

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: February 13, 2008
TO: **BOARD OF EDUCATION**
FROM: Dr. Joe A. Hairston, Superintendent
SUBJECT: **LEGISLATION UPDATE**

ORIGINATOR: Dr. Donald A. Peccia, Assistant Superintendent, Human Resources and Governmental Relations

RECOMMENDATION

* * * * *

That the Board of Education consider taking positions on Key School Legislation.

**BALTIMORE COUNTY PUBLIC SCHOOLS
KEY SCHOOL LEGISLATION
February 13, 2008**

UPDATES LEGISLATION

(*Status is as of 2/05/08)

NEW HB15 – Task Force on Classroom Indoor Air Quality Standards

Establishing a Task Force on Classroom Indoor Air Quality Standards; establishing the membership and staffing of the Task Force; providing for the designation of the chair of the Task Force; requiring the Task Force to evaluate and make recommendations regarding specified issues; etc.

Recommended Board of Education position: Oppose

*Status: House – Hearing on 2/5/08 at 11:00 a.m.

NEW HB21 – Education – Compulsory Attendance – Age of Withdrawal

Altering the age at which a child may withdraw from required schooling to 18 years old; requiring specified individuals with the legal custody or care and control of children between the ages of 5 and 18 years old to see that the children attend school or receive specified instruction; and providing for a delayed effective date.

Recommended Board of Education position: Oppose

Comments: This legislation has a \$55 million impact to the State

*Status: House – Hearing on 02/07/08 (Cancelled)

NEW HB23 – Maryland Green Buildings Standards of 2008

Requiring specified buildings to be high performance buildings under specified circumstances; requiring the Department of Budget and Management to conduct a specified analysis of the costs and benefits of requiring specified buildings to be high performance buildings; requiring the Department to waive specified high performance building requirements under specified circumstances; etc.

Recommended Board of Education position: Oppose

*Status: House - 1st Reading - 01/09/08

NEW HB49 – Education – Maryland High School Assessment Test Results

Requiring the State Board of Education to report to each county board on or before July 1 each year on the performance of each student in the local school system on the Maryland High School Assessment.

Recommended Board of Education position: Oppose

*Status: House - 1st Reading - 01/09/08

NEW HB367 – Department of Labor, Licensing, and Regulation - Consolidation of Workforce Development Functions - Transfer of Adult Education and Literacy Services and Education Programs for Correctional Facilities

(Cross-Filed with SB203)

Consolidating workforce development functions by transferring adult education and literacy services and education and training programs for correctional facilities that are administered by the State Department of Education to the Department of Labor, Licensing, and Regulation; establishing the Workforce Creation and Adult Education Transition Council; etc.

Recommended Board of Education position: Oppose

*Status: House – 1st Reading – 01/25/08

NEW SB77 - Education – Children in Informational Kinship Care Relationship

(Cross-Filed with HB169)

Requiring a superintendent of schools of a county to allow a child to attend a public school in a school attendance area other than the school in the school attendance area where the child is domiciled with the child's parent or legal guardian if the child lives with a relative in the school attendance area in an informal kinship care relationship due to a serious family hardship; etc.

Recommended Board of Education position: Support

*Status: Senate – Favorable Report - 02/05/08

NEW SB150 - Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2008, and the Maryland Consolidated Capital Bond Loans of 1999, 2000, 2002, 2003, 2004, 2005, 2006, and 2007.

(Cross-Filed with HB155)

Authorizing the creation of a State Debt in the amount of \$872,099,000, the proceeds to be used, subject to specified restrictions and reporting requirements, for the acquisition, building, construction, demolition, planning, renovation, conversion, replacement, and capital equipping of specified State projects, and for grants to specified subdivisions and other organizations for specified purposes, subject to the requirement that specified grantees provide and expend specified matching funds; etc.

Recommended Board of Education position: Support

Comments: This legislation has a total of \$333 million for public school construction

*Status: Senate – 1st Reading – 01/18/08

HOUSE BILL 15

F1, J1

8lr0311

(PRE-FILED)

By: **Delegate Rice**

Requested: July 16, 2007

Introduced and read first time: January 9, 2008

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force on Classroom Indoor Air Quality Standards**

3 FOR the purpose of establishing a Task Force on Classroom Indoor Air Quality
4 Standards; establishing the membership and staffing of the Task Force;
5 providing for the designation of the chair of the Task Force; requiring the Task
6 Force to evaluate and make recommendations regarding certain issues;
7 requiring the Task Force to submit a certain report to the Governor and the
8 General Assembly by a certain date; prohibiting a member of the Task Force
9 from receiving certain compensation; authorizing a member of the Task Force to
10 receive certain reimbursements; providing for the termination of this Act; and
11 generally relating to the Task Force on Classroom Indoor Air Quality
12 Standards.

13 Preamble

14 WHEREAS, The State should be committed to providing a healthy classroom
15 environment for students and school employees; and

16 WHEREAS, Studies have shown that for many pollutants, indoor levels may be
17 significantly higher than outside levels; and

18 WHEREAS, Due to children's developing bodies and the amount of time they
19 spend indoors, they are often more susceptible to pollutants than adults; and

20 WHEREAS, Failure to prevent or respond to classroom indoor air quality issues
21 may increase the potential for health problems for students and staff; and

22 WHEREAS, Poor classroom indoor air quality may negatively impact student
23 attendance and performance; now, therefore,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That:

3 (a) There is a Task Force on Classroom Indoor Air Quality Standards.

4 (b) The Task Force consists of the following members:

5 (1) Two members of the Senate of Maryland, appointed by the
6 President of the Senate;

7 (2) Two members of the House of Delegates, appointed by the Speaker
8 of the House;

9 (3) The Secretary of the Environment, or the Secretary's designee;

10 (4) The Secretary of Health and Mental Hygiene, or the Secretary's
11 designee;

12 (5) The State Superintendent of Schools, or the Superintendent's
13 designee; and

14 (6) The following members appointed by the Governor:

15 (i) Two representatives from not-for-profit organizations that
16 focus on issues related to the health and welfare of children;

17 (ii) One representative from the University of Maryland School
18 of Medicine's Division of Pediatric Pulmonology and Allergy;

19 (iii) One representative from the Johns Hopkins University
20 School of Public Health;

21 (iv) One representative from the American Association of
22 Pediatrics, Maryland Chapter;

23 (v) One representative from the Maryland Parent Teacher
24 Association;

25 (vi) One representative from the Public School Superintendents
26 Association of Maryland; and

27 (vii) One representative from the Maryland Association of Boards
28 of Education.

29 (c) The Governor shall designate the chair of the Task Force.

30 (d) The Department of the Environment and the Department of Health and
31 Mental Hygiene jointly shall provide staff support for the Task Force.

- 1 (e) A member of the Task Force:
- 2 (1) May not receive compensation for serving on the Task Force; but
- 3 (2) Is entitled to reimbursement for expenses under the Standard
4 State Travel Regulations, as provided in the State budget.
- 5 (f) The Task Force shall:
- 6 (1) Conduct a study of air quality in all classrooms, including portable
7 classrooms, throughout the State, that:
- 8 (i) Identifies potentially unhealthy conditions and their extent
9 within classrooms in the State; and
- 10 (ii) Evaluates classroom design and construction specifications,
11 ventilation systems, school maintenance practices, indoor air quality, and potentially
12 toxic contamination including mold and other biological contaminants.
- 13 (2) Identify and recommend best practices and statewide standards to
14 prevent harmful air quality in classrooms.
- 15 (3) On or before May 1, 2010, the Task Force shall report its findings
16 and recommendations to the Governor, and in accordance with § 2-1246 of the State
17 Government Article, the General Assembly.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 June 1, 2008. It shall remain effective for a period of 2 years and, at the end of May 31,
20 2010, with no further action required by the General Assembly, this Act shall be
21 abrogated and of no further force and effect.

HOUSE BILL 21

F1

8lr0310

(PRE-FILED)

By: **Delegate Braveboy**

Requested: July 16, 2007

Introduced and read first time: January 9, 2008

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Compulsory Attendance – Age of Withdrawal**

3 FOR the purpose of altering the age at which a child may withdraw from required
4 schooling; requiring certain individuals with the legal custody or care and
5 control of certain children between certain ages to see that the children attend
6 school or receive certain instruction; providing for a delayed effective date; and
7 generally relating to the age of withdrawal and compulsory attendance in
8 school.

9 BY repealing and reenacting, with amendments,
10 Article – Education
11 Section 7–301
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2007 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Education**

17 7–301.

18 (a) (1) Except as otherwise provided in this section, each child who
19 resides in this State and is 5 years old or older and under [16] **18** shall attend a public
20 school regularly during the entire school year unless the child is otherwise receiving
21 regular, thorough instruction during the school year in the studies usually taught in
22 the public schools to children of the same age.

23 (2) In accordance with regulations of the State Board of Education, a
24 child who resides in this State and is 5 years old may be exempted from mandatory

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 school attendance for 1 year if the child's parent or guardian files a written request
2 with the local school system asking that the child's attendance be delayed due to the
3 child's level of maturity.

4 (3) Except as provided in subsection (f) of this section or in regulations
5 of the State Board of Education, each child who resides in this State shall attend a
6 kindergarten program regularly during the school year prior to entering the first
7 grade unless the child is otherwise receiving regular, thorough instruction in the skills
8 and studies usually taught in a kindergarten program of a public school.

9 (b) A county superintendent, school principal, or an individual authorized by
10 the county superintendent or principal may excuse a student for a lawful absence.

11 (c) Each person who has legal custody or care and control of a child who is 5
12 years old or older and under [16] 18 shall see that the child attends school or receives
13 instruction as required by this section.

14 (d) (1) This section applies to any child who has a mental, emotional, or
15 physical handicap.

16 (2) This section does not apply to a child:

17 (i) Whose mental, emotional, or physical condition makes his
18 instruction detrimental to his progress; or

19 (ii) Whose presence in school presents a danger of serious
20 physical harm to others.

21 (3) With the advice of the school principal, supervisor, pupil personnel
22 supervisor, or visiting teacher and with the written recommendation of a licensed
23 physician or a State Department of Education certified or licensed psychologist, the
24 county superintendent may:

25 (i) Make other appropriate provisions for the free education of
26 any student excepted from attendance under paragraph (2) of this subsection; or

27 (ii) Permit the parents or guardians of that student to withdraw
28 him from public school, for as long as the attendance of the child in a public school
29 would be detrimental to his progress or his presence in school would present a danger
30 of serious physical harm to others.

31 (4) If a child is withdrawn from a public school under this subsection,
32 the county board shall make other appropriate provisions for the education of the
33 child.

34 (5) If an appropriate educational placement is not available
35 immediately, the county board shall make interim provisions for the education of the
36 child until an appropriate placement becomes available.

1 (e) (1) Any person who induces or attempts to induce a child to absent
2 himself unlawfully from school or employs or harbors any child who is absent
3 unlawfully from school while school is in session is guilty of a misdemeanor and on
4 conviction is subject to a fine not to exceed \$500 or imprisonment not to exceed 30
5 days, or both.

6 (2) Any person who has legal custody or care and control of a child
7 who is 5 years old or older and under [16] **18** who fails to see that the child attends
8 school or receives instruction under this section is guilty of a misdemeanor and:

9 (i) For a first conviction is subject to a fine not to exceed \$50
10 per day of unlawful absence or imprisonment not to exceed 10 days, or both; and

11 (ii) For a second or subsequent conviction is subject to a fine not
12 to exceed \$100 per day of unlawful absence or imprisonment not to exceed 30 days, or
13 both.

14 (3) As to any sentence imposed under this section, the court may
15 suspend the fine or the prison sentence and establish terms and conditions which
16 would promote the child's attendance. The suspension authority provided for in this
17 subsection is in addition to and not in limitation of the suspension authority under §
18 6-221 of the Criminal Procedure Article.

19 (e-1) (1) This subsection applies only in Dorchester County, Harford
20 County, Prince George's County, Somerset County, Wicomico County, and Worcester
21 County.

22 (2) A charge under this section may be filed in the juvenile court and
23 assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts
24 Article.

25 (3) (i) For a person with legal custody or care and control of a child
26 at the time of an alleged violation of this section, it is an affirmative defense to a
27 charge under this section that the person made reasonable and substantial efforts to
28 see that the child attended school as required by law but was unable to cause the child
29 to attend school.

30 (ii) If the court finds the affirmative defense is valid, the court
31 shall dismiss the charge under this section against the defendant.

32 (4) The court may condition marking a charge under this section set
33 on participation of the defendant in the appropriate Truancy Reduction Pilot Program
34 under Title 3, Subtitle 8C of the Courts Article.

35 (f) A child may be exempted from attending kindergarten if a parent or
36 guardian of the child files a written request with the local school system and verifies
37 that the child is enrolled:

- 1 (1) Full time in a licensed child care center;
- 2 (2) Full time in a registered family day care home; or
- 3 (3) Part time in a Head Start 5 year old program.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2010.

HOUSE BILL 23

P2, M3

8lr0517

(PRE-FILED)

By: **Delegate Manno**

Requested: August 21, 2007

Introduced and read first time: January 9, 2008

Assigned to: Health and Government Operations and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Green Buildings Standards Act of 2008**

3 FOR the purpose of requiring certain buildings to be high performance buildings
4 under certain circumstances; requiring the Department of Budget and
5 Management to conduct a certain analysis of the costs and benefits of requiring
6 certain buildings to be high performance buildings; requiring the Department to
7 waive certain high performance building requirements under certain
8 circumstances; requiring the Board of Public Works to adopt regulations to
9 increase by a certain amount the State's share of public school construction
10 funding for certain renovations of a public school as a high performance
11 building; and generally relating to certain requirements for certain capital
12 projects to be constructed as high performance buildings.

13 BY repealing and reenacting, with amendments,
14 Article – State Finance and Procurement
15 Section 3–602(d)
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2007 Supplement)

18 BY adding to
19 Article – State Finance and Procurement
20 Section 3–602.1
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2007 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article – Education
25 Section 5–301(a), (b)(1), and (d)(1)
26 Annotated Code of Maryland
27 (2006 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Education
3 Section 5–301(d)(3)
4 Annotated Code of Maryland
5 (2006 Replacement Volume and 2007 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – State Finance and Procurement**

9 3–602.

10 (d) (1) (i) In this paragraph, “high performance building” means a
11 building that:

12 1. achieves at least a silver rating according to the U.S.
13 Green Building Council’s LEED (Leadership in Energy and Environmental Design)
14 Green Building Rating System as adopted in 2001 or subsequently by the Maryland
15 Green Building Council;

16 2. achieves at least a two globe rating according to the
17 Green Globes Program as adopted by the Green Building Initiative;

18 3. achieves at least a comparable numeric rating
19 according to a nationally recognized, accepted, and appropriate numeric sustainable
20 development rating system, guideline, or standard; or

21 4. meets nationally recognized, consensus–based, and
22 accepted green building guidelines, standards, or systems approved by the State.

23 (ii) 1. **[A] EXCEPT AS PROVIDED IN § 3–602.1 OF THIS**
24 **SUBTITLE, A** unit of State government requesting an appropriation for preliminary
25 planning of a proposed capital project may include in its request a justification for
26 proposing that a building in the project is appropriate for design as a high
27 performance building.

28 2. **[If] EXCEPT AS PROVIDED IN § 3–602.1 OF THIS**
29 **SUBTITLE, IF** justification is submitted under subparagraph 1 of this
30 subparagraph concerning a building in a proposed capital project, the Department
31 shall review whether it is practicable and fiscally prudent to incorporate in the capital
32 project the use of a comprehensive process of design and construction that would
33 result in the building being a high performance building.

34 (2) Before an appropriation may be authorized for preliminary
35 planning of a proposed capital project:

1 (i) the unit of the State government requesting the
2 appropriation shall submit to the Department a program describing, in detail, the
3 scope and purpose of the project; and

4 (ii) the Secretary of Budget and Management must approve the
5 program.

6 (3) Before an appropriation may be authorized for construction of a
7 proposed capital project:

8 (i) the unit of State government requesting the appropriation
9 shall submit to the Departments of Budget and Management and General Services a
10 detailed design program, which shall include all information required by the
11 Departments; and

12 (ii) both the Secretary of Budget and Management and the
13 Secretary of General Services must approve the detailed design program.

14 **3-602.1.**

15 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE
16 FOLLOWING CAPITAL PROJECTS SHALL BE CONSTRUCTED TO BE HIGH
17 PERFORMANCE BUILDINGS AS DEFINED IN § 3-602(D) OF THIS SUBTITLE:

18 (1) NEW CONSTRUCTION OF A BUILDING THAT IS PROJECTED TO
19 COST \$5,000,000 OR MORE, OF WHICH \$2,000,000 OR MORE IS TO BE PROVIDED
20 BY THE STATE;

21 (2) RENOVATION OF A BUILDING THAT IS PROJECTED TO COST
22 \$2,000,000 OR MORE, OF WHICH \$2,000,000 OR MORE IS TO BE PROVIDED BY
23 THE STATE; AND

24 (3) RENOVATION OF A PUBLIC SCHOOL FACILITY THAT IS
25 PROJECTED TO COST \$2,000,000 OR MORE, OF WHICH \$2,000,000 OR MORE IS
26 TO BE PROVIDED BY THE STATE.

27 (B) (1) THE DEPARTMENT SHALL CONDUCT AN ANALYSIS OF A
28 CAPITAL PROJECT THAT IS SUBJECT TO THE REQUIREMENTS OF SUBSECTION
29 (A) OF THIS SECTION TO DETERMINE WHETHER THE COST OF COMPLIANCE
30 WITH SUBSECTION (A) OF THIS SECTION SIGNIFICANTLY OUTWEIGHS THE
31 BENEFITS OF COMPLIANCE.

32 (2) IF THE DEPARTMENT FINDS THAT THE COST OF COMPLIANCE
33 WITH THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION

1 SIGNIFICANTLY OUTWEIGHS THE BENEFITS OF COMPLIANCE, THE
2 DEPARTMENT SHALL WAIVE THE REQUIREMENTS SET FORTH IN SUBSECTION
3 (A) OF THIS SECTION.

4 **Article – Education**

5 5–301.

6 (a) In this subtitle, “Interagency Committee” means the Interagency
7 Committee on School Construction established under § 5–302 of this subtitle.

8 (b) (1) For the purposes of this section other than subsection (c), the
9 Board of Public Works shall define by regulation what constitutes an eligible and
10 ineligible public school construction or capital improvement cost.

11 (d) (1) The Board of Public Works may adopt regulations for the
12 administration of the programs provided for in this section.

13 (3) The regulations adopted by the Board of Public Works shall
14 contain provisions:

15 (i) Establishing a State and local cost–share formula for each
16 county that identifies the factors used in establishing the formulas;

17 (ii) Requiring local education agencies to adopt educational
18 facilities master plans and annual capital improvement programs;

19 (iii) Providing a method for establishing a maximum State
20 construction allocation for each project approved for State funding;

21 (iv) Referencing the policies stated in § 5–7B–07 of the State
22 Finance and Procurement Article;

23 (v) Requiring local school systems to adopt procedures
24 consistent with the minority business enterprise policies of the State as required
25 under the Code of Maryland Regulations;

26 (vi) Establishing a process for the appeal of decisions by the
27 Interagency Committee to the Board of Public Works;

28 (vii) Requiring local education agencies to adopt, implement, and
29 periodically update comprehensive maintenance plans; [and]

30 (viii) Authorizing the Board of Public Works to withhold State
31 public school construction funds from a local education agency that fails to comply
32 with the requirements of item (vii) of this paragraph; **AND**

1 **(IX) INCREASING BY 2% THE STATE'S SHARE OF FUNDING**
2 **UNDER THE FORMULA ESTABLISHED UNDER ITEM (I) OF THIS PARAGRAPH FOR**
3 **RENOVATION OF A PUBLIC SCHOOL AS A HIGH PERFORMANCE BUILDING UNDER**
4 **§ 3-602.1 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2008.

HOUSE BILL 49

F1

8lr1019

(PRE-FILED)

By: **Delegate Ross**

Requested: November 9, 2007

Introduced and read first time: January 9, 2008

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Maryland High School Assessment Test Results**

3 FOR the purpose of requiring the State Board of Education to report to each county
4 board by a certain date on the performance of each student in the local school
5 system on the Maryland High School Assessment; and generally relating to the
6 Maryland High School Assessment.

7 BY repealing and reenacting, without amendments,
8 Article – Education
9 Section 2–205(a)
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2007 Supplement)

12 BY adding to
13 Article – Education
14 Section 2–205(r)
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2007 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Education**

20 2–205.

21 (a) In addition to the other powers granted and duties imposed under this
22 article, the State Board has the powers and duties set forth in this section.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(R) ON OR BEFORE JULY 1 OF EACH YEAR, THE STATE BOARD SHALL**
2 **REPORT TO EACH COUNTY BOARD ON THE PERFORMANCE OF EACH STUDENT IN**
3 **THE LOCAL SCHOOL SYSTEM ON THE MARYLAND HIGH SCHOOL ASSESSMENT**
4 **FOR ALGEBRA/DATA ANALYSIS, BIOLOGY, ENGLISH, AND GOVERNMENT.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 June 1, 2008.

HOUSE BILL 367

P1

8lr0243
CF SB 203

By: **The Speaker (By Request – Administration)**

Introduced and read first time: January 25, 2008

Assigned to: Economic Matters and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Labor, Licensing, and Regulation – Consolidation of**
3 **Workforce Development Functions – Transfer of Adult Education and**
4 **Literacy Services and Education Programs for Correctional Facilities**

5 FOR the purpose of transferring adult education and literacy services functions
6 administered by the State Department of Education to the Department of
7 Labor, Licensing, and Regulation; transferring education programs for
8 correctional institutions to the Department of Labor, Licensing, and Regulation;
9 creating and renaming certain units within the Department; establishing the
10 Workforce Creation and Adult Education Transition Council; providing for the
11 duties of the Transition Council; requiring the Transition Council to submit a
12 certain report by a certain date; requiring certain regulations to be adopted;
13 requiring the Secretary of the Department to appoint certain directors;
14 designating the Department of Labor, Licensing, and Regulation as the
15 responsible agency for certain federal funding purposes; defining certain terms;
16 providing for the transfer of certain employees under certain circumstances;
17 providing certain provisions to effectuate the transfer of the functions and units
18 required by this Act; making the provisions of this Act severable; and generally
19 relating to the transfer of certain functions of State government and the
20 administration of workforce development services.

21 BY repealing and reenacting, with amendments,

22 Article – Correctional Services

23 Section 3–507

24 Annotated Code of Maryland

25 (1999 Volume and 2007 Supplement)

26 BY repealing

27 Article – Education

28 Section 4–110, 5–218, 7–205.1, 7–206, and 22–101 through 22–105

29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2006 Replacement Volume and 2007 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Education
4 Section 21–201 and 21–202
5 Annotated Code of Maryland
6 (2006 Replacement Volume and 2007 Supplement)

7 BY repealing and reenacting, with amendments,
8 Article – Labor and Employment
9 Section 8–301, 8–302, 8–303, 8–902, 11–102, and 11–104
10 Annotated Code of Maryland
11 (1999 Replacement Volume and 2007 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Labor and Employment
14 Section 11–101
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2007 Supplement)

17 BY repealing
18 Article – Labor and Employment
19 Section 11–103 and 11–105
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2007 Supplement)

22 BY adding to
23 Article – Labor and Employment
24 Section 11–801 through 11–807 to be under the new subtitle “Subtitle 8. Adult
25 Education and Literacy Services”; and 11–901 through 11–905 to be
26 under the new subtitle “Subtitle 9. Correctional Institutions”
27 Annotated Code of Maryland
28 (1999 Replacement Volume and 2007 Supplement)

29 Preamble

30 WHEREAS, The United States Department of Labor estimates a shortage of
31 more than 10,000,000 skilled workers by 2012 throughout the nation; and

32 WHEREAS, 80% of the fastest growing occupations between 2008 and 2014 are
33 expected to be filled by individuals with postsecondary education and training; and

34 WHEREAS, Large numbers of our nation’s adults do not demonstrate sufficient
35 literacy and mathematical skills to fully participate in an increasingly competitive
36 work environment; and

37 WHEREAS, Only one in four adults with less than a high school education
38 currently participates in any kind of education or training; and

1 WHEREAS, Maryland ranks near the bottom in the United States in
2 per-student State spending on adult education; and

3 WHEREAS, In Maryland, there are nearly 750,000 Marylanders with limited
4 literacy skills, no high school diploma, or ineffective English language skills in need of
5 services; and

6 WHEREAS, The 2003–2004 Maryland Adult Education Score Card shows that
7 only 3 percent to 5 percent of Marylanders in need of adult education receive it; and

8 WHEREAS, The adult population in need of additional education is
9 substantially similar to those served by the workforce one-stop system; and

10 WHEREAS, Historically, adult education was in the sole purview of the K–12
11 educational system, but over the past 15 years, there has been an increasing
12 recognition nationally that adult education and workforce development must be better
13 linked; and

14 WHEREAS, There are many different State agencies involved in adult
15 education programming for various groups, but there are insufficient systems of
16 accountability for adult education funding and outcomes; and

17 WHEREAS, Employers are increasingly turning to ex-offenders to address
18 workforce needs, and the correctional system must increase the number of people
19 served by educational programs that lead to job opportunities upon release; and

20 WHEREAS, Current adult education programs in Maryland are not fully
21 progressing students to the posthigh school skill levels necessary to be competitive in
22 our current and future economy; and

23 WHEREAS, Recognizing the importance of linking adult education and
24 workforce creation, a number of states have transferred responsibility for adult
25 education from their K–12 educational systems to state workforce development
26 agencies; and

27 WHEREAS, Maryland requires an adult education system that aligns adult
28 education, career preparation, postsecondary education, and workforce development;
29 now, therefore,

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
31 MARYLAND, That the Laws of Maryland read as follows:

32 **Article – Correctional Services**

33 3–507.

1 (a) The Department shall include the budget for Maryland Correctional
2 Enterprises in the Department's budget.

3 (b) (1) Maryland Correctional Enterprises may establish a revolving fund
4 to contain an amount that the Treasurer approves.

5 (2) (i) For each of fiscal years 2006 through 2009, the first
6 \$1,000,000 in the revolving fund in excess of the amount required to operate Maryland
7 Correctional Enterprises shall be transferred to a special fund to be used by the [State
8 Department of Education] **DEPARTMENT OF LABOR, LICENSING, AND**
9 **REGULATION** for the operation of educational programs in correctional institutions.

10 (ii) Money from the revolving fund shall supplement and may
11 not supplant funding for the operation of educational programs in correctional
12 institutions.

13 (3) (i) Subject to the provisions of subparagraph (ii) of this
14 paragraph, the revolving fund may be used for general operating expenses and the
15 purchase of capital assets.

16 (ii) The revolving fund may be used to provide financial
17 assistance, up to \$250,000 in a fiscal year, to the Division of Correction to establish
18 and operate employment readiness training programs and transitional services to
19 rehabilitate inmates currently or previously employed by Maryland Correctional
20 Enterprises.

21 (4) The revolving fund established under paragraph (1) of this
22 subsection is not subject to § 7-302 of the State Finance and Procurement Article.

23 (5) Maryland Correctional Enterprises shall submit an annual
24 statement to the Comptroller and the Treasurer that provides an accurate and
25 detailed accounting of all receipts and disbursements from the revolving fund.

26 (c) General Fund money may be appropriated to Maryland Correctional
27 Enterprises to be used for the direct expenses of training inmates.

28 **Article - Education**

29 [4-110.

30 (a) In accordance with the applicable rules and regulations of the State
31 Board, each county board may establish and maintain day and evening schools for
32 adults.

33 (b) The purpose of these schools for adults is to:

1 (1) Provide a general program of continuing education for the
2 improvement of the civic, occupational, and general intelligence of adults; and

3 (2) Enable adults to make a wise use of their leisure time.

4 (c) A full-time student, at the student's own expense, may register for adult
5 education courses, if space is available, and if that student secures the written
6 permission of the county superintendent or his designee.]

7 [5-218.

8 (a) (1) The Department shall distribute competitive grants for adult
9 education and literacy services in accordance with the State Plan for Adult Education
10 and Family Literacy.

11 (2) The grants distributed under this section shall be based on need
12 and performance.

13 (3) Grants under this section may be used for adult education and
14 literacy services, including:

15 (i) GED instruction;

16 (ii) The Maryland Adult External High School Program under §
17 7-205.1 of this article;

18 (iii) English for Speakers of Other Languages;

19 (iv) Family literacy; and

20 (v) Basic skills and literacy instruction.

21 (b) (1) Subject to paragraph (2) of this subsection, funding for the
22 competitive grants under this section shall be as provided in the State budget.

23 (2) (i) In fiscal year 2007, the Governor shall include an
24 appropriation in the State budget equal to an increase of \$1,500,000 over the fiscal
25 year 2005 appropriation for the Department to distribute as Literacy Works grants in
26 order to reduce the waiting list for adult education and literacy services to the extent
27 possible.

28 (ii) In fiscal year 2008, the Governor shall include an
29 appropriation in the State Budget equal to an increase of \$1,500,000 over the fiscal
30 year 2007 appropriation for the Department to distribute as Literacy Works grants for
31 adult education and literacy services.]

32 [7-205.1.

1 (a) In this section, "Program" means the Maryland Adult External High
2 School Program established for the citizens of Maryland under regulations adopted by
3 the State Board.

4 (b) According to these regulations:

5 (1) The State Board recognizes demonstrated competencies in adults,
6 regardless of whether these competencies were acquired in a formal school setting; and

7 (2) In response to this recognition of competencies, the Department
8 provides alternative requirements and methods of obtaining a Maryland high school
9 diploma.

10 (c) (1) Because the Program is a valuable service that is provided to the
11 citizens of Maryland, for each fiscal year the Governor shall include in the annual
12 budget bill submitted to the General Assembly, including any proposed supplemental
13 budget, a General Fund appropriation for the Maryland Adult External High School
14 Program in an amount not less than the amount of the Governor's General Fund
15 appropriation for the Program in fiscal year 2006.

16 (2) For each fiscal year the Governor shall include federal funds, to the
17 extent available, for the Program in an amount not less than the amount of the
18 Governor's federal fund appropriation for the Program in fiscal year 2006.]

19 [7-206.

20 (a) An individual may obtain a high school diploma by examination as
21 provided in this section if the individual:

22 (1) Has not obtained a high school certificate or diploma;

23 (2) Has resided in this State or on a federal reservation in this State
24 for at least 3 months, except that the State Board may waive this residence
25 requirement if it considers the waiver justified;

26 (3) Is 16 years old or older; and

27 (4) Has withdrawn from a regular full-time public or private school
28 program for at least 3 months, except that the State Board may waive the 3-month
29 withdrawal requirement if the State Board considers the waiver justified.

30 (b) The State Board shall examine individuals for a high school diploma at
31 least twice each year at places throughout this State that are reasonably convenient
32 for the applicants.

33 (c) The examination shall:

- 1 (1) Be offered in appropriate high school subject areas; and
- 2 (2) Be of a comprehensive nature as determined by the State Board.
- 3 (d) An individual who fails an examination may take retests.
- 4 (e) A member of the armed forces may earn the Maryland high school
5 diploma by taking the examinations furnished by the United States Armed Forces
6 Institute and given by the appropriate service officer.
- 7 (f) The diploma shall be awarded in accordance with the rules and
8 regulations adopted by the State Board.]

9 21–201.

10 In this subtitle, “federal acts” means:

- 11 (1) The Smith–Hughes Act;
- 12 (2) The George–Barden Act;
- 13 (3) The Vocational Education Act of 1963;
- 14 (4) **THE ADULT EDUCATION AND FAMILY LITERACY ACT;**
- 15 (5) **THE WORKFORCE INVESTMENT ACT;**
- 16 [(4)] (6) Any other career and technology education act of the United
17 States Congress; and
- 18 [(5)] (7) Any amendments to any of these acts.

19 21–202.

- 20 (a) The State of Maryland assents to the federal acts.
- 21 (b) The State Treasurer shall:
- 22 (1) Be the custodian of any money received under the federal acts; and
- 23 (2) Disburse this money in accordance with the federal acts.
- 24 (c) The State Board of Education **AND THE DEPARTMENT OF LABOR,**
25 **LICENSING, AND REGULATION, AS APPROPRIATE,** shall:

1 (1) Cooperate with the appropriate federal agencies in administering
2 the federal acts;

3 (2) Do anything necessary to secure the benefits of the federal acts;
4 and

5 (3) Represent this State in all matters relating to the administration
6 of the federal acts.

7 [22-101.

8 (a) There is an Education Coordinating Council for Correctional Institutions
9 under the jurisdiction of the Department of Public Safety and Correctional Services
10 which is within the State Department of Education for administrative and budgetary
11 purposes.

12 (b) (1) The Council consists of 5 members.

13 (2) One of the members shall be a resident of this State appointed by
14 the Governor for a term of 4 years and until a successor is appointed and qualifies.

15 (3) The following officials shall serve ex officio:

16 (i) The State Superintendent of Schools;

17 (ii) The Secretary of Public Safety and Correctional Services;

18 (iii) The Secretary of Higher Education; and

19 (iv) The county superintendent of schools from a county where a
20 correctional institution of the Division of Correction is located, who shall be selected by
21 the State Superintendent.

22 (c) Each member of the Council:

23 (1) Serves without compensation; and

24 (2) Is entitled to reimbursement for expenses in accordance with the
25 Standard State Travel Regulations.

26 (d) (1) The State Superintendent shall serve as chairman of the Council.

27 (2) The Council shall designate the time and place of its meetings and
28 may adopt rules for the conduct of its meetings.

29 (3) The State Department of Education shall provide technical and
30 clerical assistance and support to the Council.]

1 [22-102.

2 (a) The Education Coordinating Council for Correctional Institutions shall
3 develop and recommend an educational program for each correctional institution in
4 the Division of Correction. The programs shall meet the special needs and
5 circumstances of the inmates in the institution.

6 (b) (1) The Council shall adopt regulations for all correctional institutions
7 in the Division of Correction for the implementation of a mandatory education
8 program for all inmates who fail to attain a minimum educational standard as set
9 forth in this subsection.

10 (2) The regulations adopted by the Council shall require that:

11 (i) The educational standard shall be the attainment of a
12 General Education Diploma (G.E.D.) or a verified high school diploma;

13 (ii) The regulations shall only apply to any inmate who:

14 1. Is received by the Division of Correction after July 1,
15 1987;

16 2. Has 18 months or more remaining to be served before
17 a mandatory supervision release date;

18 3. Is not exempted due to a medical, developmental, or
19 learning disability; and

20 4. Does not possess a General Education Diploma
21 (G.E.D.) or a verified high school diploma;

22 (iii) Any inmate who is not exempted under subparagraph (ii)3 of
23 this subsection shall participate in:

24 1. The mandatory education program for at least 120
25 calendar days; or

26 2. A vocational training program; and

27 (iv) The Division of Correction shall report to the Parole
28 Commission the academic progress of an inmate in the mandatory education program.

29 (c) On or before October 30 of each year, the Council shall report its
30 activities to the Governor and, subject to § 2-1246 of the State Government Article, to
31 the General Assembly.

1 (d) (1) The Council shall actively advocate and promote the interests of
2 educational programs and opportunities in correctional institutions. The Council shall
3 seek to ensure that a quality education and equal educational opportunity are
4 available to all inmates at correctional institutions.

5 (2) The Council shall on a regular basis review the program of
6 instruction used in educational programs at correctional institutions to ensure that
7 the unique educational needs of the populations of correctional institutions are being
8 satisfactorily met.

9 (3) The Council shall include in its review:

- 10 (i) Curriculum guides;
- 11 (ii) Courses of study;
- 12 (iii) Resource materials;
- 13 (iv) Textbooks;
- 14 (v) Supplementary readers;
- 15 (vi) Materials of instruction;
- 16 (vii) Visual and auditory aids;
- 17 (viii) Supplies;
- 18 (ix) Teacher performance; and
- 19 (x) Other teaching aids.

20 (4) Based on their review, the Council shall recommend and advocate
21 improvements to the educational programs at correctional institutions.]

22 [22-103.

23 (a) The State Superintendent shall appoint a Director of educational
24 programs for correctional institutions.

25 (b) The Director shall receive the salary provided in the budget of the
26 Department.

27 (c) The Director shall:

28 (1) Implement and operate the educational programs, developed by
29 the Council, in the correctional institutions;

1 (2) Meet with and advise the Council about these programs; and

2 (3) Consult with the Commissioner of Correction and the warden of
3 each institution about the operation of these programs.]

4 [22–104.

5 (a) Notwithstanding any other provision of law, Patuxent Institution is a
6 correctional institution within the Division of Correction and under the jurisdiction of
7 the Education Coordinating Council for Correctional Institutions for the funding of
8 educational programs only.

9 (b) Funds for the operation of the educational programs in correctional
10 institutions shall be provided in the budget of the State Department of Education.

11 (c) The Department of Public Safety and Correctional Services and other
12 State agencies may contribute to these programs.

13 (d) Funds appropriated for educational programs in correctional institutions
14 may not be diverted, by budget amendment or otherwise, to any other purpose.]

15 [22–105.

16 This subtitle does not affect the other jurisdiction of the State Board of
17 Education, the State Superintendent of Schools, the Maryland Higher Education
18 Commission, or the Secretary of Higher Education.]

19 **Article – Labor and Employment**

20 8–301.

21 This title shall be administered under the supervision of the Secretary by 2
22 coordinate units, the [Office] **DIVISION** of Unemployment Insurance and the [Office of
23 Employment Services] **DIVISION OF WORKFORCE DEVELOPMENT**, established by
24 the Secretary.

25 8–302.

26 (a) There is [an Office] **A DIVISION** of Unemployment Insurance.

27 (b) The [Office] **DIVISION** of Unemployment Insurance shall perform any
28 function that the Secretary assigns to it to carry out this title.

29 8–303.

1 (a) (1) "Public employment office" means an employment office that does
2 not charge a fee to provide services and is:

3 (i) operated by the [State] **DEPARTMENT**; or

4 (ii) maintained as part of a **LOCAL**, [State] **STATE**, or federal
5 system of employment offices.

6 (2) "Public employment office" includes a branch public employment
7 office.

8 (b) The General Assembly accepts the provisions of the Wagner–Peyser Act
9 for establishment of a national employment system and for cooperation in promotion of
10 the system in conformity with § 4 of the Act.

11 (c) [There is an Office of Employment Services in the Division of
12 Employment and Training that] **THE DIVISION OF WORKFORCE DEVELOPMENT,**
13 **ESTABLISHED UNDER § 11–102 OF THIS ARTICLE,** is the unit of the State
14 designated to carry out § 4 of the Wagner–Peyser Act.

15 [(d) (1) The head of the Office of Employment Services is the Director who
16 shall be appointed by the Secretary in accordance with:

17 (i) the provisions of the State Personnel and Pensions Article;
18 and

19 (ii) regulations adopted by the United States Secretary of Labor.

20 (2) The Director shall devote full–time to the duties of office.

21 (3) The Director is entitled to the salary provided in the State budget.

22 (4) The Director shall:

23 (i) cooperate with any official or unit of the federal government
24 that has any responsibility under the Wagner–Peyser Act; and

25 (ii) take any action necessary to secure for the State the benefits
26 under the Wagner–Peyser Act for promotion and maintenance of a system of public
27 employment offices.]

28 [(e) (D) The Secretary shall employ a staff for the [Office of Employment
29 Services] **DIVISION OF WORKFORCE DEVELOPMENT** in accordance with § 8–304 of
30 this subtitle and regulations adopted by the United States Secretary of Labor.

31 [(f) (E) As necessary for administration of this title, the [Office of
32 Employment Services] **DIVISION OF WORKFORCE DEVELOPMENT** shall establish

1 and maintain public employment offices that do not charge a fee to individuals who
2 seek employment.

3 [(g)] (F) To establish and maintain public employment offices, the
4 Secretary:

5 (1) may enter into an agreement with the Railroad Retirement Board
6 or any other federal unit that is responsible for administration of an unemployment
7 insurance law, a political subdivision of the State, or any private not-for-profit
8 organization; and

9 (2) as part of the agreement, may accept money, services, or office
10 space as a contribution to the Unemployment Insurance Administration Fund.

11 [(h)] (G) Money in the Unemployment Insurance Administration Fund that
12 the State receives under the Wagner-Peyser Act is available to the [Office of
13 Employment Services] **DIVISION OF WORKFORCE DEVELOPMENT** for use under
14 this section in accordance with that Act.

15 8-902.

16 (a) To be eligible for benefits, [in accordance with the regulations of the
17 Secretary,] an individual shall[:

18 (1) register for work at an] **ENROLL WITH A PUBLIC** employment
19 office [; and

20 (2) report to the employment office] **IN ACCORDANCE WITH**
21 **REGULATIONS ADOPTED UNDER THIS TITLE.**

22 (b) Subject to § 8-808(b) of this title, by regulation, the Secretary may alter
23 or waive the requirements of subsection (a) of this section for:

24 (1) an individual attached to a regular job; or

25 (2) an individual for whom the Secretary finds that compliance with
26 those requirements would be oppressive or inconsistent with the purposes of this title.

27 11-101.

28 (a) In this title the following words have the meanings indicated.

29 (b) "Department" means the Department of Labor, Licensing, and
30 Regulation.

31 (c) "Secretary" means the Secretary of Labor, Licensing, and Regulation.

1 11-102.

2 (a) There is a Division of [Employment and Training] **WORKFORCE**
3 **DEVELOPMENT** within the Department of Labor, Licensing, and Regulation.

4 (b) The Division has the powers, duties, responsibilities, and functions
5 provided in the laws of this State.

6 (c) The Division has the general purpose of advancing the economic welfare
7 of the people by coordinating the State's public and private resources for employment
8 and job training.

9 [11-103.

10 (a) (1) With the approval of the Governor, the Secretary shall appoint a
11 Director of the Division of Employment and Training. The Director shall hold office at
12 the Secretary's pleasure.

13 (2) The Director may be removed by the Secretary, with the approval
14 of the Governor.

15 (3) Any such removal by the Secretary of Labor, Licensing, and
16 Regulation is final and is not subject to any appeal.

17 (b) The Director shall be selected because of known experience and interest
18 in employment and job training.

19 (c) The Director shall operate this Division under the direction of the
20 Secretary in accordance with the provisions of law relating to the establishment of the
21 Department.]

22 [11-104.] **11-103.**

23 (a) The Division shall:

24 (1) [administer Title 8 of this article;

25 (2)] promote apprenticeship and training programs;

26 [(3)] **(2)** administer job training, placement, and service programs;

27 [(4)] **(3)** implement the provisions of the [Maryland] Workforce
28 Investment Act;

29 [(5)] **(4)** oversee any other units established pursuant to State or
30 federal employment, training, or manpower statutes; and

1 [(6)] (5) administer those programs assigned to the Division by law
2 or designated by the Secretary.

3 (b) The Division shall meet and confer on a regular basis with
4 representatives of the State's community colleges, appointed by the Maryland
5 Association of Community Colleges, to assure that job training activities and resources
6 are effectively coordinated.

7 [11-105.

8 The Director of the Division shall receive the salary and have the deputies,
9 assistants, and employees provided in the State budget.]

10 **SUBTITLE 8. ADULT EDUCATION AND LITERACY SERVICES.**

11 **11-801.**

12 **(A) THERE IS AN ADULT EDUCATION AND LITERACY SERVICES OFFICE**
13 **IN THE DIVISION OF WORKFORCE DEVELOPMENT OF THE DEPARTMENT.**

14 **(B) THE ADULT EDUCATION AND LITERACY SERVICES OFFICE SHALL**
15 **BE THE SOLE AGENCY IN THE STATE RESPONSIBLE FOR ADMINISTERING AND**
16 **SUPERVISING POLICY AND FUNDING FOR ADULT EDUCATION AND LITERACY.**

17 **11-802.**

18 **THE ADULT EDUCATION AND LITERACY SERVICES OFFICE, WITH THE**
19 **APPROVAL OF THE SECRETARY, MAY ADOPT REGULATIONS TO CARRY OUT THIS**
20 **SUBTITLE.**

21 **11-803.**

22 **(A) THERE IS A WORKFORCE CREATION AND ADULT EDUCATION**
23 **TRANSITION COUNCIL IN THE DEPARTMENT TO COORDINATE THE**
24 **INTEGRATION OF ADULT EDUCATION AND LITERACY SERVICES WITH THE**
25 **DIVISION OF WORKFORCE DEVELOPMENT AND ITS PROGRAMS.**

26 **(B) THE TRANSITION COUNCIL SHALL CONSIST OF THE FOLLOWING**
27 **MEMBERS:**

28 **(1) THE SECRETARY, WHO SHALL SERVE AS CHAIR;**

29 **(2) THE SECRETARY OF THE DEPARTMENT OF BUSINESS AND**
30 **ECONOMIC DEVELOPMENT;**

1 (3) THE SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY
2 AND CORRECTIONAL SERVICES;

3 (4) THE STATE SUPERINTENDENT OF SCHOOLS;

4 (5) THE SECRETARY OF HIGHER EDUCATION;

5 (6) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF
6 MARYLAND;

7 (7) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION FOR
8 ADULT COMMUNITY AND CONTINUING EDUCATION;

9 (8) A REPRESENTATIVE OF THE MARYLAND WORKFORCE
10 DEVELOPMENT ASSOCIATION;

11 (9) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF
12 COMMUNITY COLLEGES; AND

13 (10) THE CHAIR OF THE GOVERNOR'S WORKFORCE INVESTMENT
14 BOARD.

15 (C) THE TRANSITION COUNCIL SHALL:

16 (1) ENSURE A SEAMLESS MERGER OF THE STATE'S ADULT
17 EDUCATION AND LITERACY PROGRAMS WITH THE STATE'S WORKFORCE
18 DEVELOPMENT AND JOB TRAINING PROGRAMS;

19 (2) DEVELOP A REVISED STATE PLAN FOR ADULT EDUCATION IN
20 CONSULTATION WITH COMMUNITY BASED STAKEHOLDERS, THE BUSINESS
21 COMMUNITY AND STAKEHOLDERS AT THE LOCAL LEVEL IN ALL AREAS OF THE
22 STATE;

23 (3) DEVELOP STRATEGIES TO ALIGN ADULT EDUCATION
24 PROGRAMS WITH COMPLEMENTARY PROGRAMS FUNDED UNDER THE
25 WORKFORCE INVESTMENT ACT SO AS TO MAXIMIZE THE BENEFITS AND
26 MINIMIZE DUPLICATION OF SERVICES;

27 (4) IDENTIFY BEST PRACTICES THAT ENABLE ADULT STUDENTS
28 TO TRANSITION FROM ADULT EDUCATION PROGRAMS INTO POSTSECONDARY
29 EDUCATION, JOB TRAINING PROGRAMS, AND EMPLOYMENT OPPORTUNITIES;

1 (5) DEVELOP STRATEGIES TO PROVIDE AN INTEGRATED
2 APPROACH TO EDUCATION AND JOB TRAINING PROGRAMS TO ALLOW FORMER
3 OFFENDERS TO TRANSITION INTO THE WORKFORCE; AND

4 (6) WORK WITH OTHER DEPARTMENTS IN STATE GOVERNMENT
5 AND OTHER STAKEHOLDERS TO IDENTIFY POPULATIONS THAT NEED
6 EDUCATION AND JOB TRAINING TO TRANSITION INTO THE WORKFORCE.

7 (D) THE DEPARTMENT SHALL PROVIDE STAFF TO THE TRANSITION
8 COUNCIL.

9 (E) THE TRANSITION COUNCIL SHALL COMPLETE ITS WORK ON OR
10 BEFORE DECEMBER 31, 2009 AND SHALL REPORT TO THE GOVERNOR AND,
11 SUBJECT TO THE PROVISIONS OF § 2-1246 OF THE STATE GOVERNMENT
12 ARTICLE, TO THE GENERAL ASSEMBLY, ON ITS ACTIVITIES AND
13 RECOMMENDATIONS.

14 **11-804.**

15 (A) IN ACCORDANCE WITH THE APPLICABLE RULES AND REGULATIONS
16 OF THE DEPARTMENT, EACH COUNTY BOARD OF EDUCATION MAY ESTABLISH
17 AND MAINTAIN DAY AND EVENING SCHOOLS FOR ADULTS.

18 (B) THE PURPOSE OF THESE SCHOOLS FOR ADULTS IS TO PROVIDE:

19 (1) A GENERAL PROGRAM OF CONTINUING EDUCATION FOR THE
20 IMPROVEMENT OF THE CIVIC, OCCUPATIONAL, AND GENERAL INTELLIGENCE OF
21 ADULTS; AND

22 (2) PROGRAMS TO ENABLE ADULTS TO MAKE A WISE USE OF
23 THEIR LEISURE TIME.

24 (C) A FULL-TIME STUDENT, AT THE STUDENT'S OWN EXPENSE, MAY
25 REGISTER FOR ADULT EDUCATION COURSES, IF SPACE IS AVAILABLE, AND IF
26 THAT STUDENT SECURES THE WRITTEN PERMISSION OF THE SUPERINTENDENT
27 OF SCHOOLS, OR THE SUPERINTENDENT'S DESIGNEE, OF THE COUNTY IN WHICH
28 THE STUDENT REGISTERS.

29 **11-805.**

30 (A) (1) THE ADULT EDUCATION AND LITERACY SERVICES OFFICE
31 SHALL DISTRIBUTE COMPETITIVE GRANTS FOR ADULT EDUCATION AND
32 LITERACY SERVICES IN ACCORDANCE WITH THE STATE PLAN FOR ADULT
33 EDUCATION AND FAMILY LITERACY.

1 **(2) THE GRANTS DISTRIBUTED UNDER THIS SECTION SHALL BE**
2 **BASED ON NEED AND PERFORMANCE.**

3 **(3) GRANTS UNDER THIS SECTION MAY BE USED FOR ADULT**
4 **EDUCATION AND LITERACY SERVICES, INCLUDING:**

5 **(I) GED INSTRUCTION;**

6 **(II) THE MARYLAND ADULT EXTERNAL HIGH SCHOOL**
7 **PROGRAM UNDER § 11-806 OF THIS ARTICLE;**

8 **(III) WORKPLACE LITERACY SERVICES;**

9 **(IV) ENGLISH FOR SPEAKERS OF OTHER LANGUAGES;**

10 **(V) FAMILY LITERACY; AND**

11 **(VI) LITERACY INSTRUCTION.**

12 **(B) FUNDING FOR THE COMPETITIVE GRANTS UNDER THIS SECTION**
13 **SHALL BE AS PROVIDED IN THE STATE BUDGET.**

14 **11-806.**

15 **(A) IN THIS SECTION, "PROGRAM" MEANS THE MARYLAND ADULT**
16 **EXTERNAL HIGH SCHOOL PROGRAM ESTABLISHED FOR THE CITIZENS OF**
17 **MARYLAND UNDER REGULATIONS ADOPTED BY THE DEPARTMENT IN**
18 **CONSULTATION WITH THE STATE BOARD OF EDUCATION.**

19 **(B) (1) THE DEPARTMENT AND THE STATE BOARD OF EDUCATION**
20 **RECOGNIZE DEMONSTRATED COMPETENCIES IN ADULTS, WHETHER OR NOT**
21 **THOSE COMPETENCIES WERE ACQUIRED IN A FORMAL SCHOOL SETTING.**

22 **(2) IN RESPONSE TO ITS RECOGNITION OF COMPETENCIES, THE**
23 **DEPARTMENT SHALL PROVIDE ALTERNATIVE REQUIREMENTS AND METHODS**
24 **OF OBTAINING A MARYLAND HIGH SCHOOL DIPLOMA.**

25 **(3) THE STATE BOARD OF EDUCATION SHALL AWARD DIPLOMAS**
26 **TO THE INDIVIDUALS MEETING THE REQUIREMENTS OF THIS SUBTITLE.**

27 **(C) (1) FOR EACH FISCAL YEAR THE GOVERNOR SHALL INCLUDE IN**
28 **THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY,**
29 **INCLUDING ANY PROPOSED SUPPLEMENTAL BUDGET, A GENERAL FUND**

1 APPROPRIATION FOR THE MARYLAND ADULT EXTERNAL HIGH SCHOOL
2 PROGRAM IN AN AMOUNT NOT LESS THAN THE AMOUNT OF THE GOVERNOR'S
3 GENERAL FUND APPROPRIATION FOR THE PROGRAM IN FISCAL YEAR 2006.

4 (2) IN EACH ANNUAL BUDGET, THE GOVERNOR SHALL INCLUDE
5 FEDERAL FUNDS, TO THE EXTENT AVAILABLE, FOR THE PROGRAM IN AN
6 AMOUNT NOT LESS THAN THE AMOUNT OF THE GOVERNOR'S FEDERAL FUND
7 APPROPRIATION FOR THE PROGRAM IN FISCAL YEAR 2006.

8 11-807.

9 (A) AN INDIVIDUAL MAY OBTAIN A HIGH SCHOOL DIPLOMA BY
10 EXAMINATION AS PROVIDED IN THIS SECTION IF THE INDIVIDUAL:

11 (1) HAS NOT OBTAINED A HIGH SCHOOL DIPLOMA;

12 (2) HAS RESIDED IN THIS STATE OR ON A FEDERAL RESERVATION
13 IN THIS STATE FOR AT LEAST 3 MONTHS, PROVIDED THAT THE STATE BOARD
14 OF EDUCATION MAY WAIVE THE RESIDENCE REQUIREMENT IF THE STATE
15 BOARD CONSIDERS THE WAIVER JUSTIFIED;

16 (3) IS 16 YEARS OLD OR OLDER; AND

17 (4) HAS WITHDRAWN FROM A REGULAR FULL-TIME PUBLIC OR
18 PRIVATE SCHOOL PROGRAM FOR AT LEAST 3 MONTHS, PROVIDED THAT THE
19 STATE BOARD OF EDUCATION MAY WAIVE THE WITHDRAWAL REQUIREMENT IF
20 THE STATE BOARD CONSIDERS THE WAIVER JUSTIFIED.

21 (B) THE DEPARTMENT SHALL REQUIRE INDIVIDUALS WHO ARE
22 PURSUING A HIGH SCHOOL DIPLOMA UNDER THIS SUBTITLE TO TAKE AN
23 EXAMINATION AT LEAST TWICE EACH YEAR AT PLACES THROUGHOUT THE
24 STATE THAT ARE REASONABLY CONVENIENT FOR THE APPLICANTS.

25 (C) THE EXAMINATION SHALL:

26 (1) BE OFFERED IN APPROPRIATE HIGH SCHOOL SUBJECT AREAS;
27 AND

28 (2) BE OF A COMPREHENSIVE NATURE AS DETERMINED BY THE
29 STATE BOARD OF EDUCATION.

30 (D) AN INDIVIDUAL WHO FAILS AN EXAMINATION MAY REPEAT TAKING
31 THE EXAMINATION.

1 (E) **A MEMBER OF THE ARMED FORCES MAY EARN A MARYLAND HIGH**
2 **SCHOOL DIPLOMA BY TAKING THE EXAMINATIONS FURNISHED BY THE UNITED**
3 **STATES ARMED FORCES INSTITUTE AND GIVEN BY THE APPROPRIATE SERVICE**
4 **OFFICER.**

5 (F) **THE DIPLOMA SHALL BE AWARDED IN ACCORDANCE WITH THE**
6 **REGULATIONS ADOPTED BY THE DEPARTMENT AND THE STATE BOARD OF**
7 **EDUCATION.**

8 **SUBTITLE 9. CORRECTIONAL INSTITUTIONS.**

9 **11-901.**

10 (A) **THERE IS AN EDUCATION AND WORKFORCE TRAINING**
11 **COORDINATING COUNCIL FOR CORRECTIONAL INSTITUTIONS UNDER THE**
12 **JURISDICTION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**
13 **SERVICES AND THE DEPARTMENT.**

14 (B) (1) **THE COUNCIL CONSISTS OF SIX MEMBERS.**

15 (2) **ONE OF THE MEMBERS OF THE COUNCIL SHALL BE A**
16 **RESIDENT OF THIS STATE APPOINTED BY THE GOVERNOR FOR A TERM OF 4**
17 **YEARS WHO SHALL SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

18 (3) **THE FOLLOWING OFFICIALS SHALL SERVE EX OFFICIO:**

19 (I) **THE SECRETARY OF PUBLIC SAFETY AND**
20 **CORRECTIONAL SERVICES;**

21 (II) **THE SECRETARY OF LABOR, LICENSING, AND**
22 **REGULATION;**

23 (III) **THE STATE SUPERINTENDENT OF SCHOOLS;**

24 (IV) **THE SECRETARY OF HIGHER EDUCATION; AND**

25 (V) **THE COUNTY SUPERINTENDENT OF SCHOOLS FROM A**
26 **COUNTY WHERE A CORRECTIONAL INSTITUTION OF THE DIVISION OF**
27 **CORRECTION IS LOCATED, WHO SHALL BE SELECTED BY THE STATE**
28 **SUPERINTENDENT.**

29 (C) **EACH MEMBER OF THE COUNCIL:**

30 (1) **SERVES WITHOUT COMPENSATION; BUT**

1 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES IN**
2 **ACCORDANCE WITH THE STANDARD STATE TRAVEL REGULATIONS.**

3 **(D) (1) THE SECRETARY OF PUBLIC SAFETY AND CORRECTION AND**
4 **THE SECRETARY SHALL SERVE AS COCHAIRS OF THE COUNCIL.**

5 **(2) THE COUNCIL SHALL DESIGNATE THE TIME AND PLACE OF**
6 **ITS MEETINGS AND MAY ADOPT RULES FOR THE CONDUCT OF ITS MEETINGS.**

7 **(3) THE COUNCIL SHALL BE WITHIN THE DEPARTMENT FOR**
8 **ADMINISTRATIVE AND BUDGETARY PURPOSES.**

9 **(4) THE DEPARTMENT SHALL PROVIDE TECHNICAL AND**
10 **CLERICAL ASSISTANCE AND SUPPORT TO THE COUNCIL.**

11 **11-902.**

12 **(A) THE EDUCATION AND WORKFORCE TRAINING COORDINATING**
13 **COUNCIL FOR CORRECTIONAL INSTITUTIONS SHALL DEVELOP AND**
14 **RECOMMEND AN EDUCATIONAL AND WORKFORCE TRAINING PROGRAM FOR**
15 **EACH CORRECTIONAL INSTITUTION IN THE DIVISION OF CORRECTION. THE**
16 **PROGRAMS SHALL MEET THE SPECIAL NEEDS AND CIRCUMSTANCES OF THE**
17 **INMATES IN EACH CORRECTIONAL INSTITUTION.**

18 **(B) (1) THE COUNCIL SHALL ADOPT REGULATIONS FOR ALL**
19 **CORRECTIONAL INSTITUTIONS IN THE DIVISION OF CORRECTION FOR THE**
20 **IMPLEMENTATION OF A MANDATORY EDUCATION PROGRAM FOR ALL INMATES**
21 **WHO FAIL TO ATTAIN A MINIMUM EDUCATIONAL STANDARD AS SET FORTH IN**
22 **THIS SUBSECTION.**

23 **(2) THE REGULATIONS ADOPTED BY THE COUNCIL SHALL:**

24 **(I) REQUIRE THAT THE EDUCATIONAL STANDARD SHALL BE**
25 **THE ATTAINMENT OF A GENERAL EDUCATIONAL DEVELOPMENT (GED)**
26 **DIPLOMA OR A VERIFIED HIGH SCHOOL DIPLOMA;**

27 **(II) APPLY ONLY TO ANY INMATE WHO:**

28 **1. WAS RECEIVED BY THE DIVISION OF CORRECTION**
29 **AFTER JULY 1, 1987;**

30 **2. HAS 18 MONTHS OR MORE REMAINING TO BE**
31 **SERVED BEFORE A MANDATORY SUPERVISION RELEASE DATE;**

1 **3. IS NOT EXEMPTED DUE TO A MEDICAL,**
2 **DEVELOPMENTAL, OR LEARNING DISABILITY; AND**

3 **4. DOES NOT POSSESS A GENERAL EDUCATIONAL**
4 **DEVELOPMENT (GED) DIPLOMA OR A VERIFIED HIGH SCHOOL DIPLOMA;**

5 **(III) REQUIRE ANY INMATE WHO IS NOT EXEMPTED UNDER**
6 **ITEM (II)3 OF THIS PARAGRAPH TO PARTICIPATE IN:**

7 **1. THE MANDATORY EDUCATION PROGRAM FOR AT**
8 **LEAST 120 CALENDAR DAYS; OR**

9 **2. A WORKFORCE SKILLS TRAINING PROGRAM; AND**

10 **(IV) THE DIVISION OF CORRECTION SHALL REPORT TO THE**
11 **PAROLE COMMISSION THE ACADEMIC PROGRESS OF AN INMATE IN THE**
12 **MANDATORY EDUCATION PROGRAM.**

13 **(C) (1) THE COUNCIL SHALL ADOPT REGULATIONS FOR ALL**
14 **CORRECTIONAL INSTITUTIONS IN THE DIVISION OF CORRECTION FOR THE**
15 **IMPLEMENTATION OF A MANDATORY WORKFORCE SKILLS TRAINING PROGRAM**
16 **FOR ALL INMATES AS PROVIDED IN THIS SUBSECTION.**

17 **(2) THE REGULATIONS SHALL APPLY ONLY TO AN INMATE WHO:**

18 **(I) HAS 18 MONTHS OR MORE REMAINING TO BE SERVED**
19 **BEFORE A MANDATORY SUPERVISION RELEASE DATE; AND**

20 **(II) IS NOT EXEMPTED DUE TO A MEDICAL,**
21 **DEVELOPMENTAL, OR LEARNING DISABILITY.**

22 **(3) THE DIVISION OF CORRECTION SHALL REPORT TO THE**
23 **PAROLE COMMISSION THE ACADEMIC PROGRESS OF AN INMATE IN THE**
24 **MANDATORY WORKFORCE SKILLS TRAINING PROGRAM.**

25 **(D) ON OR BEFORE OCTOBER 30 OF EACH YEAR, THE COUNCIL SHALL**
26 **REPORT ITS ACTIVITIES TO THE GOVERNOR AND, IN ACCORDANCE WITH §**
27 **2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.**

28 **(E) (1) (I) THE COUNCIL SHALL ACTIVELY ADVOCATE AND**
29 **PROMOTE THE INTERESTS OF EDUCATIONAL PROGRAMS AND WORKFORCE**
30 **SKILLS TRAINING OPPORTUNITIES IN CORRECTIONAL INSTITUTIONS.**

1 (II) THE COUNCIL SHALL SEEK TO ENSURE THAT A QUALITY
2 EDUCATION, EQUAL EDUCATIONAL OPPORTUNITY, AND WORKFORCE SKILLS
3 TRAINING ARE AVAILABLE TO ALL INMATES AT CORRECTIONAL INSTITUTIONS.

4 (2) THE COUNCIL, ON A REGULAR BASIS, SHALL REVIEW THE
5 EDUCATIONAL AND WORKFORCE SKILLS TRAINING PROGRAMS AT
6 CORRECTIONAL INSTITUTIONS TO ENSURE THAT THE UNIQUE EDUCATIONAL
7 AND TRAINING NEEDS OF THE POPULATIONS OF THE CORRECTIONAL
8 INSTITUTIONS ARE BEING SATISFACTORILY MET.

9 (3) THE COUNCIL SHALL INCLUDE IN ITS REVIEW:

10 (I) CURRICULUM GUIDES;

11 (II) COURSES OF STUDY;

12 (III) RESOURCE MATERIALS;

13 (IV) TEXTBOOKS;

14 (V) SUPPLEMENTARY READERS;

15 (VI) MATERIALS OF INSTRUCTION;

16 (VII) VISUAL AND AUDITORY AIDS;

17 (VIII) SUPPLIES;

18 (IX) TEACHER PERFORMANCE; AND

19 (X) OTHER TEACHING AIDS.

20 (4) BASED ON ITS REVIEW, THE COUNCIL SHALL RECOMMEND
21 AND ADVOCATE IMPROVEMENTS TO THE EDUCATIONAL AND WORKFORCE
22 SKILLS TRAINING PROGRAMS AT CORRECTIONAL INSTITUTIONS.

23 **11-903.**

24 (A) THE SECRETARY OF THE DEPARTMENT OF LABOR, LICENSING, AND
25 REGULATION SHALL APPOINT A DIRECTOR OF EDUCATIONAL PROGRAMS AND A
26 DIRECTOR OF WORKFORCE SKILLS TRAINING FOR CORRECTIONAL
27 INSTITUTIONS.

1 **(B) EACH DIRECTOR SHALL RECEIVE THE SALARY PROVIDED IN THE**
2 **BUDGET OF THE DEPARTMENT.**

3 **(C) THE DIRECTORS SHALL:**

4 **(1) IMPLEMENT AND OPERATE THE EDUCATIONAL AND**
5 **WORKFORCE SKILLS TRAINING PROGRAMS DEVELOPED BY THE COUNCIL IN**
6 **THE CORRECTIONAL INSTITUTIONS;**

7 **(2) MEET WITH AND ADVISE THE COUNCIL ABOUT THE**
8 **PROGRAMS; AND**

9 **(3) CONSULT WITH THE COMMISSIONER OF CORRECTION AND**
10 **THE WARDEN OF EACH INSTITUTION ABOUT THE OPERATION OF THE**
11 **PROGRAMS.**

12 **11-904.**

13 **(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, PATUXENT**
14 **INSTITUTION IS A CORRECTIONAL INSTITUTION WITHIN THE DIVISION OF**
15 **CORRECTION AND UNDER THE JURISDICTION OF THE EDUCATION**
16 **COORDINATING COUNCIL FOR CORRECTIONAL INSTITUTIONS FOR THE**
17 **FUNDING OF EDUCATIONAL PROGRAMS ONLY.**

18 **(B) FUNDS FOR THE OPERATION OF THE EDUCATIONAL AND**
19 **WORKFORCE SKILLS TRAINING PROGRAMS IN CORRECTIONAL INSTITUTIONS**
20 **SHALL BE PROVIDED IN THE BUDGET OF THE DEPARTMENT.**

21 **(C) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**
22 **SERVICES AND OTHER STATE AGENCIES MAY CONTRIBUTE TO THE PROGRAMS**
23 **IDENTIFIED UNDER SUBSECTION (B) OF THIS SECTION.**

24 **(D) FUNDS APPROPRIATED FOR EDUCATIONAL AND WORKFORCE**
25 **SKILLS TRAINING PROGRAMS IN CORRECTIONAL INSTITUTIONS MAY NOT BE**
26 **DIVERTED BY BUDGET AMENDMENT OR OTHERWISE TO ANY OTHER PURPOSE.**

27 **11-905.**

28 **THIS SUBTITLE DOES NOT AFFECT THE PROVISIONS OF LAW RELATING TO**
29 **THE POWERS, DUTIES, AND AUTHORITY OF THE STATE BOARD OF EDUCATION,**
30 **THE STATE SUPERINTENDENT OF SCHOOLS, THE MARYLAND HIGHER**
31 **EDUCATION COMMISSION, OR THE SECRETARY OF HIGHER EDUCATION.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
2 Labor, Licensing, and Regulation is the successor of the State Department of
3 Education as provided in this Act, and the Secretary of Labor, Licensing, and
4 Regulation is the successor of the State Board of Education and the State
5 Superintendent, as provided in this Act. In every law, executive order, rule,
6 regulation, policy or document created by an official, employee, or unit of this State,
7 the names and titles of those agencies and officials mean the names and terms of the
8 successor agency or official, as provided in this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That all employees of the
10 State Department of Education whose positions are transferred to the Department of
11 Labor, Licensing, and Regulation shall be transferred to the Department of Labor,
12 Licensing, and Regulation on the effective date of this Act without any diminution of
13 their rights, benefits, or employment status, including, if any, merit system and
14 retirement status.

15 SECTION 4. AND BE IT FURTHER ENACTED, That the Governor may
16 transfer any related administrative functions and employees of the State Department
17 of Education to the Department of Labor, Licensing, and Regulation as necessary to
18 carry out the provisions of this Act.

19 SECTION 5. AND BE IT FURTHER ENACTED, That, except as expressly
20 provided to the contrary in this Act, any transaction affected by or flowing from any
21 statute here amended, repealed, or transferred, and validly entered into before the
22 effective date of this Act and every right, duty, or interest flowing from it remains
23 valid after the effective date of this Act and may be terminated, completed,
24 consummated, or enforced pursuant to law.

25 SECTION 6. AND BE IT FURTHER ENACTED, That, except as otherwise
26 provided in this Act, all rules and regulations, proposed rules and regulations,
27 standards and guidelines, forms, plans, memberships, special funds, appropriations,
28 grants, applications for grants, contracts, property, administrative and judicial
29 proceedings, rights to sue and be sued, and all other duties and responsibilities
30 associated with those functions transferred by this Act shall continue in effect under
31 the Secretary of Labor, Licensing, and Regulation, or the appropriate unit with the
32 Department, until completed, withdrawn, cancelled, modified, or otherwise changed
33 pursuant to law.

34 SECTION 7. AND BE IT FURTHER ENACTED, That if any provision of this
35 Act or the application thereof to any person or circumstance is held invalid for any
36 reason in a court of competent jurisdiction, the invalidity does not affect other
37 provisions or any other application of this Act which can be given effect without the
38 invalid provisions or application, and for this purpose the provisions of this Act are
39 declared severable.

40 SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take effect
41 July 1, 2008.

SENATE BILL 77

F1

8lr0867

By: **Senators Kelley, Colburn, Conway, Della, Exum, Madaleno, McFadden, Pinsky, Pugh, Raskin, Rosapepe, and Stone**
Introduced and read first time: January 14, 2008
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Children in Informal Kinship Care Relationships**

3 FOR the purpose of requiring a superintendent of schools of a county to allow a child
4 to attend a public school in a school attendance area other than the school in the
5 school attendance area where the child is domiciled with the child's parent or
6 legal guardian if the child lives with a relative in the school attendance area in
7 an informal kinship care relationship due to a serious family hardship; and
8 generally relating to children who live with relatives who provide informal
9 kinship care due to a serious family hardship.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 7–101
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2007 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Education**

18 7–101.

19 (a) All individuals who are 5 years old or older and under 21 shall be
20 admitted free of charge to the public schools of this State.

21 (b) (1) Except as provided in § 7–301 of this title and in paragraph (2) of
22 this subsection, each child shall attend a public school in the county where the child is
23 domiciled with the child's parent, guardian, or relative providing informal kinship
24 care, as defined in subsection (c) of this section.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Upon request and in accordance with a county board's policies
2 concerning residency, a county superintendent may allow a child to attend school in
3 the county even if the child is not domiciled in that county with the child's parent or
4 guardian.

5 (3) If a child fraudulently attends a public school in a county where
6 the child is not domiciled with the child's parent or guardian, the child's parent or
7 guardian shall be subject to a penalty payable to the county for the pro rata share of
8 tuition for the time the child fraudulently attends a public school in the county.

9 (4) Nothing in this section alters the requirements for out-of-county
10 placements contained in § 4-122 and Title 8, Subtitles 3 and 4 of this article or in any
11 other State or federal law.

12 (c) (1) (i) In this subsection the following words have the meanings
13 indicated.

14 (ii) "Informal kinship care" means a living arrangement in
15 which a relative of a child, who is not in the care, custody, or guardianship of the local
16 department of social services, provides for the care and custody of the child due to a
17 serious family hardship.

18 (iii) "Relative" means an adult related to the child by blood or
19 marriage within the fifth degree of consanguinity.

20 (iv) "Serious family hardship" means:

- 21 1. Death of a parent or legal guardian of the child;
- 22 2. Serious illness of a parent or legal guardian of the
23 child;
- 24 3. Drug addiction of a parent or legal guardian of the
25 child;
- 26 4. Incarceration of a parent or legal guardian of the
27 child;
- 28 5. Abandonment by a parent or legal guardian of the
29 child; or
- 30 6. Assignment of a parent or legal guardian of a child to
31 active military duty.

32 (2) (i) A county superintendent shall allow a child who is a
33 resident of this State to attend a public school in:

1 **1.** **[a] A county other than the county where the child is**
2 **domiciled with the child’s parent or legal guardian if the child lives with a relative**
3 **providing informal kinship care in the county and the relative verifies the informal**
4 **kinship care relationship through a sworn affidavit; OR**

5 **2.** **A SCHOOL ATTENDANCE AREA OTHER THAN THE**
6 **SCHOOL IN THE SCHOOL ATTENDANCE AREA WHERE THE CHILD IS DOMICILED**
7 **WITH THE CHILD’S PARENT OR LEGAL GUARDIAN IF THE CHILD LIVES WITH A**
8 **RELATIVE PROVIDING INFORMAL KINSHIP CARE IN THE SCHOOL ATTENDANCE**
9 **AREA AND THE RELATIVE VERIFIES THE INFORMAL KINSHIP CARE**
10 **RELATIONSHIP THROUGH A SWORN AFFIDAVIT.**

11 (ii) 1. The affidavit shall be accompanied by supporting
12 documentation of one or more serious family hardships and, where possible, the
13 telephone number and address of any authority who is legally authorized to reveal
14 information which can verify the assertions in the affidavit.

15 2. The supporting documentation required under
16 subsubparagraph 1 of this subparagraph shall be consistent with local, State, and
17 federal privacy and confidentiality policies and statutes.

18 (3) The affidavit shall include:

19 (i) The name and date of birth of the child;

20 (ii) The name and address of the child’s parent or legal
21 guardian;

22 (iii) The name and address of the relative providing informal
23 kinship care;

24 (iv) The date the relative assumed informal kinship care;

25 (v) The nature of the serious family hardship and why it
26 resulted in informal kinship care;

27 (vi) The kinship relation to the child of the relative providing
28 informal kinship care;

29 (vii) The name and address of the school the child previously
30 attended;

31 (viii) Notice that the county superintendent may verify the facts
32 given by the relative providing informal kinship care in the affidavit and conduct an
33 audit of the case after the child has been enrolled in the county public school system;

1 (ix) Notice that if fraud or misrepresentation is discovered
2 during an audit, the county superintendent shall remove the child from the county
3 public school system roll; and

4 (x) Notice that any person who willfully makes a material
5 misrepresentation in the affidavit shall be subject to a penalty payable to the county
6 for three times the pro rata share of tuition for the time the child fraudulently attends
7 a public school in the county.

8 (4) The affidavit shall be in the following form:

9 (i) I, the undersigned, am over eighteen (18) years of age and
10 competent to testify to the facts and matters set forth herein.

11 (ii) _____ (name of child), whose date of birth is
12 _____, is living with me because of the following serious family hardship:
13 (check each that is applicable)

- 14 _____ death of father/mother/legal guardian
- 15 _____ serious illness of father/mother/legal guardian
- 16 _____ drug addiction of father/mother/legal guardian
- 17 _____ incarceration of father/mother/legal guardian
- 18 _____ abandonment by father/mother/legal guardian
- 19 _____ assignment of a parent or legal guardian of a child to active military duty

20 (iii) The name and last known address of the child's parent(s) or
21 legal guardian is:

22 _____
 23 _____
 24 _____

25 (iv) My kinship relation to the child is _____

26 (v) My address is:

27 _____
 28 Street Apt. No.
 29 _____
 30 City State Zip Code

31 (vi) I assumed informal kinship care of this child for 24 hours a
32 day and 7 days a week on _____ (day/month/year).

33 (vii) The name and address of the last school that the child
34 attended is:

35 _____

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(viii) The county superintendent may verify the facts contained in the foregoing affidavit and conduct an audit on a case-by-case basis after the child has been enrolled in the county public school system. If the county superintendent discovers fraud or misrepresentation, the child shall be removed from the county public school system roll.

(ix) I solemnly affirm under the penalties of perjury that the contents of the foregoing are true to the best of my knowledge, information, and belief.

Signature of affiant

(Day/month/year)

(x) Any person who willfully makes a material misrepresentation in this affidavit shall be subject to a penalty payable to the county for three times the pro rata share of tuition for the time the child fraudulently attends a public school in the county.

(5) (i) Instructions that explain the necessity for both an affidavit and supporting documentation of the serious family hardship resulting in informal kinship care shall:

1. Be attached to affidavit forms that comply with paragraph (4) of this subsection; and

2. Include language encouraging the relative providing informal kinship care to submit the affidavit and supporting documentation prior to September 30 of each year.

(ii) The affidavit forms, with attached instructions, shall be made available free of charge at the offices of each county board of education, each local department of social services, and each local area agency on aging.

(6) If a change occurs in the care or in the serious family hardship of the child, the relative providing informal kinship care for the child shall notify the local school system in writing within 30 days after the change occurs.

(7) (i) An informal kinship care affidavit may be filed during a school year.

(ii) The relative providing informal kinship care shall file an affidavit annually at least 2 weeks prior to the beginning of the school year for each year the child continues to live with the relative because of a serious family hardship.

1 (8) Unless the court appoints a guardian for the child or awards
2 custody of the child to someone other than the relative providing informal kinship
3 care, the relative providing informal kinship care shall make the full range of
4 educational decisions for the child.

5 (9) The relative providing informal kinship care shall make reasonable
6 efforts to inform the parent or legal guardian of the child of the informal kinship care
7 relationship.

8 (10) The parent or legal guardian of a child in an informal kinship care
9 relationship shall have final decision making authority regarding the educational
10 needs of the child.

11 (d) Section 4–122.1 of this article shall apply to the education funding of a
12 child in an informal kinship care relationship if the fiscal impact of the requirements
13 of subsections (b) and (c) of this section exceed 0.1% of a county board’s total operating
14 budget for a fiscal year.

15 (e) (1) By the 2007–2008 school year, each county board shall provide
16 full–day kindergarten programs for all kindergarten students in that county.

17 (2) In the comprehensive master plan that is submitted under § 5–401
18 of this article, a county board shall identify the strategies that will be used in that
19 county to ensure that full–day kindergarten programs are provided to all kindergarten
20 students in that county by the 2007–2008 school year.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2008.

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 77 (Senator Kelley, *et al.*)
Education, Health, and Environmental Affairs

Education - Children in Informal Kinship Care Relationships

This bill allows a child to attend a public school outside of the attendance area of the child's permanent residence if the child is living in the school's attendance area with a relative who is providing informal kinship care due to a serious family hardship. The relative must verify the informal kinship care relationship through a sworn affidavit.

Fiscal Summary

State Effect: None. The bill would not affect State funding for public schools.

Local Effect: If the bill results in a significant number of transfers within a local school system, resources may have to be reallocated among schools within the system. However, this would not materially affect school expenditures.

Small Business Effect: None.

Analysis

Current Law: In general, a public school student must attend the appropriate level public school in the attendance area of the student's permanent residence.

A child may attend a public school outside of the local school system where the child is domiciled if the child is living in the school system where the school is located with a relative who is providing informal kinship care due to a serious family hardship. State law does not specify similar allowances for a child living with a relative in a different attendance area but within the same school system where the child is domiciled with a parent or legal guardian.

“Serious family hardship” is defined as • death of the child’s parent or legal guardian; • serious illness of the child’s parent or legal guardian; • drug addiction of the child’s parent or legal guardian; • incarceration of the child’s parent or legal guardian; • abandonment by the child’s parent or legal guardian; or • assignment to active military duty of the child’s parent or legal guardian.

Background: Chapter 207 of 2003 allows a student whose parent or guardian resides in another school system to attend a school in the system where the student lives with a relative who is providing informal kinship care due to a serious family hardship. The legislation also established a funding mechanism, paid by local school systems, that is triggered when a significant number of students are transferred into a school system. An average of 460 students per year have transferred from one Maryland school system to another over the last three school years under the provisions established by the 2003 legislation. This bill would simply require that the same types of transfers be granted within a school system.

Local Fiscal Effect: Because any student transfers resulting from the bill would take place within a single school system, the funding mechanism, which requires the transfer of funds from one school system to another, would not apply. It is assumed that local school systems would reallocate existing resources among schools if necessary to accommodate any increase in transfers.

Additional Information

Prior Introductions: None.

Cross File: HB 169 (Delegate Jones) – Ways and Means.

Information Source(s): Department of Human Resources, Maryland Association of Boards of Education, Maryland State Department of Education, Department of Legislative Services

Fiscal Note History: First Reader - January 21, 2008
ncs/rhh

Analysis by: Mark W. Collins

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

SENATE BILL 150

B5

8lr0212
CF HB 155

By: **The President (By Request – Administration)**

Introduced and read first time: January 18, 2008

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2008,**
3 **and the Maryland Consolidated Capital Bond Loans of 1999, 2000, 2002, 2003,**
4 **2004, 2005, 2006, and 2007**

5 FOR the purpose of authorizing the creation of a State Debt in the amount of Eight
6 Hundred Seventy Two Million, Ninety Nine Thousand Dollars (\$872,099,000),
7 the proceeds to be used for certain necessary building, construction, demolition,
8 planning, renovation, conversion, replacement, and capital equipment
9 purchases of this State, for acquiring certain real estate in connection
10 therewith, and for grants to certain subdivisions and other organizations for
11 certain development and improvement purposes, subject to the requirement
12 that certain grantees provide and expend certain matching funds by certain
13 dates; providing generally for the issuance and sale of bonds evidencing the
14 loan; authorizing certain unexpended appropriations in certain prior capital
15 budgets and bond loans to be expended for other public projects; altering certain
16 requirements for certain programs in certain prior capital budgets and bond
17 loans; providing that the authorizations of State Debt in certain prior capital
18 budgets and bond loans be reduced by certain amounts; providing for certain
19 additional information to be detailed about each project in the capital program;
20 repealing a requirement for a certain appropriation; authorizing premiums from
21 the sale of State bonds in certain fiscal years to remain in or be transferred to a
22 certain fund and to be used for certain capital projects under certain
23 circumstances; requiring the Comptroller to make certain transfers,
24 adjustments, and reconciliations; and generally relating to the financing of
25 certain capital projects.

26 BY repealing and reenacting, with amendments,
27 Chapter 212 of the Acts of the General Assembly of 1999, as amended by
28 Chapter 46 of the Acts of the General Assembly of 2006
29 Section 1(3) Item RP00(A)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY repealing and reenacting, with amendments,
2 Chapter 508 of the Acts of the General Assembly of 2000, as amended by
3 Chapter 204 of the Acts of the General Assembly of 2003, Chapter 46 of
4 the Acts of the General Assembly of 2006, and Chapter 488 of the Acts of
5 the General Assembly of 2007
6 Section 1(3) Item RP00(A)
- 7 BY repealing and reenacting, with amendments,
8 Chapter 290 of the Acts of the General Assembly of 2002, as amended by
9 Chapter 204 of the Acts of the General Assembly of 2003
10 Section 1(3) Item RD00(A)
- 11 BY repealing and reenacting, with amendments,
12 Chapter 290 of the Acts of the General Assembly of 2002, as amended by
13 Chapter 432 of the Acts of the General Assembly of 2004, Chapter 445 of
14 the Acts of the General Assembly of 2005, and Chapter 46 of the Acts of
15 the General Assembly of 2006
16 Section 1(1)
- 17 BY repealing and reenacting, with amendments,
18 Chapter 204 of the Acts of the General Assembly of 2003
19 Section 1(3) Item RD00(C) and Item WA01(B)
- 20 BY repealing and reenacting, with amendments,
21 Chapter 204 of the Acts of the General Assembly of 2003, as amended by
22 Chapter 432 of the Acts of the General Assembly of 2004 and Chapter 46
23 of the Acts of the General Assembly of 2006
24 Section 1(1)
- 25 BY repealing and reenacting, with amendments,
26 Chapter 432 of the Acts of the General Assembly of 2004
27 Section 1(3) Item DE02.01(J) and Item RB27(E)
- 28 BY repealing and reenacting, with amendments,
29 Chapter 432 of the Acts of the General Assembly of 2004, as amended by
30 Chapter 445 of the Acts of the General Assembly of 2005, Chapter 46 of
31 the Acts of the General Assembly of 2006, and Chapter 488 of the Acts of
32 the General Assembly of 2007
33 Section 1(1)
- 34 BY repealing and reenacting, with amendments,
35 Chapter 445 of the Acts of the General Assembly of 2005
36 Section 1(3) Item ZA00(AE)
- 37 BY repealing and reenacting, with amendments,
38 Chapter 46 of the Acts of the General Assembly of 2006
39 Section 1(3) Item DE02.01(E), Item UB00(A)(4), and Item ZA00(N)

1 BY repealing and reenacting, with amendments,
2 Chapter 488 of the Acts of the General Assembly of 2007
3 Section 1(3) Item WA01(A), Section 12(1), and Section 12(3) Item MJ02(A) and
4 Item ML10(A)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That:

7 (1) The Board of Public Works may borrow money and incur indebtedness on
8 behalf of the State of Maryland through a State loan to be known as the Maryland
9 Consolidated Capital Bond Loan of 2008 in the total principal amount of \$872,099,000.
10 This loan shall be evidenced by the issuance, sale, and delivery of State general
11 obligation bonds authorized by a resolution of the Board of Public Works and issued,
12 sold, and delivered in accordance with Sections 8–117 through 8–124 of the State
13 Finance and Procurement Article and Article 31, Section 22 of the Code.

14 (2) The bonds to evidence this loan or installments of this loan may be sold
15 as a single issue of bonds under Section 8–122 of the State Finance and Procurement
16 Article.

17 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer
18 and first shall be applied to the payment of the expenses of issuing, selling, and
19 delivering the bonds, unless funds for this purpose are otherwise provided, and then
20 shall be credited on the books of the Comptroller and expended, on approval by the
21 Board of Public Works, for the following public purposes, including any applicable
22 architects’ and engineers’ fees:

23 EXECUTIVE DEPARTMENT – GOVERNOR

24 DA02.01 DEPARTMENT OF DISABILITIES

25 (A) Accessibility Modifications. Provide funds to design and
26 construct handicapped accessibility modifications at
27 State–owned facilities (Statewide) 1,600,000

28 DA07 DEPARTMENT OF AGING

29 (A) Senior Citizens Activities Centers Grant Program. Provide
30 grants to acquire property and to design, construct, renovate,
31 and equip senior citizen activities centers. The funds
32 appropriated for this purpose shall be administered in
33 accordance with Sections 10–501 through 10–510 of the
34 Human Services Article (Statewide) 1,845,000

35 DB01 HISTORIC ST. MARY’S CITY COMMISSION
36 (St. Mary’s County)

37 (A) Maryland Heritage Interpretive Center. Provide funds for

SENATE BILL 150

1		detailed design of a new museum and visitor center complex ..	1,487,000
2	DE02.01	BOARD OF PUBLIC WORKS	
3		STATE GOVERNMENT CENTER – ANNAPOLIS	
4		(Anne Arundel County)	
5	(A)	Legislative Facilities. Provide funds to design alterations and	
6		renovations to the Lowe House Office Building.....	701,000
7	(B)	State House – Old House of Delegates Chamber. Provide	
8		funds to design and construct alterations and renovations to	
9		the State House in order to restore the Old House of	
10		Delegates Chamber to its 19th Century appearance.....	2,000,000
11		STATE GOVERNMENT CENTER – BALTIMORE	
12		(Baltimore City)	
13		GENERAL STATE FACILITIES	
14	(C)	2100 Guilford Avenue. Provide supplemental funds to	
15		complete the design and construction of an addition and	
16		related improvements to State Office Building #3 at 2100	
17		Guilford Avenue	3,000,000
18	(D)	Facilities Renewal Fund. Provide funds for the State Capital	
19		Facilities Renewal Program (Statewide).....	10,000,000
20	(E)	Construction Contingency Fund. Provide funds to be credited	
21		to the Construction Contingency Fund to be administered in	
22		accordance with Section 3–609 of the State Finance and	
23		Procurement Article (Statewide).....	2,500,000
24	(F)	Asbestos Abatement Program. Provide funds to abate	
25		asbestos in various State facilities (Statewide)	2,000,000
26	(G)	Underground Heating Oil Storage Tank Replacement	
27		Program. Provide funds to remove, replace, or upgrade	
28		State-owned underground heating oil storage tanks	
29		(Statewide).....	1,000,000
30	(H)	Ethanol Fueling Stations. Provide funds to design and	
31		construct ethanol fueling stations (Statewide)	621,000
32		JUDICIARY/MULTISERVICE CENTERS	
33	(I)	Rockville District Court. Provide funds to complete design,	
34		construct, and equip a new District Court facility in Rockville	

1 (Montgomery County) 71,363,000

2 DE02.02 PUBLIC SCHOOL CONSTRUCTION
3 (Statewide)

4 (A) Public School Construction Program. Provide funds to
5 construct public school buildings and public school capital
6 improvements in accordance with Sections 5-301 through
7 5-303 of the Education Article 300,000,000

8 DEPARTMENT OF PLANNING

9 DW01.08 JEFFERSON PATTERSON PARK AND MUSEUM

10 (A) Jefferson Patterson Park and Museum. Provide funds to
11 design renovations to the Patterson Center (Calvert)..... 593,000

12 DW01.10 DIVISION OF HISTORICAL AND CULTURAL PROGRAMS

13 (A) Maryland Historical Trust Capital Grant Fund. Provide
14 funds to be credited to the Maryland Historical Trust Grant
15 Fund for historical preservation and museum assistance. The
16 funds appropriated for this purpose shall be administered in
17 accordance with Sections 5A-328 and 5A-353 through
18 5A-359 of the State Finance and Procurement Article
19 (Statewide)..... 700,000

20 DEPARTMENT OF NATURAL RESOURCES

21 KA05 CAPITAL GRANTS AND LOANS ADMINISTRATION

22 (A) Community Parks and Playgrounds. Provide funds for grants
23 to local governments to design and construct eligible projects
24 (Statewide)..... 5,000,000

25 (B) Rural Legacy Program. Provide funds for the purchase of
26 conservation easements and the acquisition of land. The funds
27 appropriated for this purpose shall be administered in
28 accordance with Sections 5-9A-01 through 5-9A-09 of the
29 Natural Resources Article..... 5,000,000

30 KA17 FISHERIES SERVICE

31 (A) Oyster Restoration Program. Provide funds for the
32 construction of oyster habitats at various sanctuary sites
33 (Statewide)..... 3,000,000

34 DEPARTMENT OF AGRICULTURE

1	LA15	OFFICE OF RESOURCE CONSERVATION	
2	(A)	Maryland Agricultural Cost–Share Program (MACS). Provide	
3		funds for financial assistance for the implementation of best	
4		management practices that reduce soil and nutrient runoff	
5		from Maryland farms (Statewide)	3,000,000
6		DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
7	MA01	OFFICE OF THE SECRETARY	
8	(A)	Community Health Facilities Grant Program. Provide grants	
9		to acquire, design, construct, renovate, and equip community	
10		mental health, addiction treatment, and developmental	
11		disabilities facilities. The funds appropriated for this purpose	
12		shall be administered in accordance with Sections 24–601	
13		through 24–607 of the Health – General Article (Statewide) ...	8,511,000
14	(B)	Federally Qualified Health Centers Grant Program. Provide	
15		grants to acquire, design, construct, renovate, convert, and	
16		equip buildings to be used as Federally Qualified Health	
17		Centers (Statewide).....	2,672,000
18	MF05	OFFICE OF THE CHIEF MEDICAL EXAMINER	
19		(Baltimore City)	
20	(A)	New Forensic Medical Center. Provide funds to construct the	
21		new Forensic Medical Center	47,807,000
22		DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES	
23	QB04	MARYLAND CORRECTIONAL TRAINING CENTER	
24		(Washington County)	
25	(A)	192–Cell Medium Security Housing Unit and Support Space.	
26		Provide funds to construct and equip a new housing unit and	
27		renovate and expand medical and commissary spaces at the	
28		Maryland Correctional Training Center	5,004,000
29	QB08	WESTERN CORRECTIONAL INSTITUTION	
30		(Allegany County)	
31	(A)	Vocational Education Building. Provide funds to design a	
32		new Vocational Education Building	1,099,000
33	QP00	DIVISION OF CORRECTION	
34		BALTIMORE CITY CORRECTIONAL COMPLEX	

1 (Baltimore City)

2 (A) New Women’s Detention Facility. Provide funds for
3 preliminary design of a new Women’s Detention Facility..... 5,500,000

4 (B) New Youth Detention Facility. Provide funds for preliminary
5 design of a new Youth Detention Facility 3,400,000

6 RA01 STATE DEPARTMENT OF EDUCATION

7 (A) Public Library Capital Grant Program. Provide grants to
8 acquire land, design, construct, and equip public library
9 facilities. The funds appropriated for this purpose shall be
10 administered in accordance with Section 23–510 of the
11 Education Article (Statewide)..... 5,000,000

12 UNIVERSITY SYSTEM OF MARYLAND

13 RB21 UNIVERSITY OF MARYLAND, BALTIMORE
14 (Baltimore City)

15 (A) School of Pharmacy Addition and Renovation. Provide funds
16 to construct an addition to and renovate the School of
17 Pharmacy Building..... 57,250,000

18 RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK
19 (Prince George’s County)

20 (A) Tawes Building Conversion. Provide funds to equip the
21 Tawes Building..... 2,450,000

22 RB24 TOWSON UNIVERSITY
23 (Baltimore County)

24 (A) Campuswide Safety and Circulation Improvement. Provide
25 funds to design and construct a variety of campuswide
26 infrastructure and site improvements 13,251,000

27 (B) New College of Liberal Arts Complex. Provide funds to equip
28 Phase I and to design Phase II of the new College of Liberal
29 Arts Complex 9,339,000

30 RB27 COPPIN STATE UNIVERSITY
31 (Baltimore City)

32 (A) New Physical Education Complex. Provide funds to construct
33 and equip the new Physical Education Complex, including
34 outdoor athletic fields and facilities maintenance and public

SENATE BILL 150

1		safety spaces	9,439,000
2	(B)	Campuswide Utilities/Security Systems Improvements.	
3		Provide funds to construct Phase III of the campuswide	
4		utilities and security systems project.....	6,960,000
5	(C)	New Science and Technology Center. Provide funds to	
6		acquire a site for the new Science and Technology Center	6,291,000
7	(D)	Health and Human Services Building. Provide funds to	
8		supplement previous appropriations to equip the new Health	
9		and Human Services Building.....	3,482,000
10	4B28	UNIVERSITY OF BALTIMORE	
11		(Baltimore City)	
12	(A)	New Law School. Provide funds for preliminary design of a	
13		new law school.....	4,033,000
14	RB34	UNIVERSITY OF MARYLAND CENTER FOR	
15		ENVIRONMENTAL SCIENCE	
16		(Dorchester County)	
17	(A)	Oyster Production Facility – (HPL). Provide funds to equip	
18		an oyster production facility at the Horn Point Laboratory	
19		(Dorchester County).....	1,343,000
20	RD00	ST. MARY’S COLLEGE OF MARYLAND	
21		(St. Mary’s County)	
22	(A)	Anne Arundel Hall Reconstruction. Provide funds for detailed	
23		design of the Anne Arundel Hall reconstruction and initial	
24		construction funds to prepare the site for the federally–funded	
25		pedestrian bridge.....	3,252,000
26	(B)	Bruce Davis Theater Renovation. Provide funds to renovate	
27		and equip the Bruce Davis Theater.....	2,402,000
28	(C)	New Student Services Building. Provide funds to equip the	
29		new Student Services Building.....	1,195,000
30	RE01	MARYLAND SCHOOL FOR THE DEAF	
31	(A)	New Cafeteria and Student Center – Frederick Campus.	
32		Provide funds to supplement previous design appropriations	
33		and to construct the new Cafeteria/Student Center on the	
34		Frederick Campus (Frederick County).....	4,630,000

1	(B)	Main Building Parking Lot and Athletic Field – Columbia	
2		Campus. Provide funds to design the Main Parking Lot and	
3		Athletic Field (Howard County)	122,000
4	RI00	MARYLAND HIGHER EDUCATION COMMISSION	
5	(A)	Community College Facilities Grant Program. Provide funds	
6		to assist the subdivisions in the acquisition of property and in	
7		the design, construction, renovation, and equipping of local	
8		and regional community college buildings, site improvements,	
9		and facilities. The funds appropriated for this purpose shall	
10		be administered in accordance with Section 11–105(j) of the	
11		Education Article (Statewide).....	81,028,000
12	RM00	MORGAN STATE UNIVERSITY	
13		(Baltimore City)	
14	(A)	Campuswide Utility Upgrade. Provide funds to construct	
15		Phase III and design Phase IV of the utility upgrades on the	
16		Morgan State University campus.....	7,723,000
17	(B)	Lillie Carroll Jackson Museum Renovation. Provide funds to	
18		renovate the Lillie Carroll Jackson Museum.....	2,258,000
19	(C)	Campuswide Site Improvements. Provide funds to construct	
20		improvements to the exterior campus signage	1,050,000
21	RQ00	UNIVERSITY OF MARYLAND MEDICAL SYSTEM	
22		(Baltimore City)	
23	(A)	New Ambulatory Care Center. Provide a grant to the	
24		University of Maryland Medical System to assist in site	
25		preparation, design, construction, and equipping of an	
26		ambulatory care facility	10,000,000
27	(B)	R Adams Cowley Shock Trauma Center. Provide a grant to	
28		the University of Maryland Medical System to assist in the	
29		design, renovation, and equipping of the R Adams Cowley	
30		Shock Trauma Center	10,000,000
31	(C)	New Diagnostic and Treatment Facilities – Phase III. Provide	
32		a grant to the University of Maryland Medical System to	
33		assist in the construction, renovation, and equipping of the	
34		North Hospital.....	2,500,000
35		DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT	
36	SA25	DIVISION OF DEVELOPMENT FINANCE	

- 1 (A) Partnership Rental Housing Program. Provide funds to be
 2 credited to the Partnership Rental Housing Fund to be
 3 administered in accordance with Sections 4–1201 through
 4 4–1209 of the Housing and Community Development Article
 5 (Statewide)..... 6,000,000
- 6 (B) Shelter and Transitional Housing Facilities Grant Program.
 7 Provide grants to acquire, design, construct, renovate, and
 8 equip facilities for homeless individuals and families. The
 9 funds shall be administered in accordance with the Code of
 10 Maryland Regulations (COMAR) 05.05.09 (Statewide)..... 1,500,000

11 DEPARTMENT OF THE ENVIRONMENT

12 UA04 WATER MANAGEMENT ADMINISTRATION
 13 (Statewide)

- 14 (A) Chesapeake Bay Water Quality Project Funds. Provide funds
 15 to be credited to the Water Pollution Control Fund to be used
 16 for projects to improve the water quality of the Chesapeake
 17 Bay and other waters of the State. These funds shall be
 18 administered for the purposes listed below in accordance with
 19 Sections 9–345 through 9–351 of the Environment Article 24,949,000
- 20 (1) Biological Nutrient Removal Program. Provide not
 21 more than \$18,448,000 in grants for projects to
 22 remove nutrients at publicly owned sewage treatment
 23 works;
- 24 (2) Supplemental Assistance Program. Provide not more
 25 than \$5,000,000 in grants to provide assistance to
 26 grant and loan recipients to meet the local share of
 27 construction costs;
- 28 (3) Small Creek and Estuary Restoration Program.
 29 Provide not more than \$663,000 in grants for water
 30 quality clean–up activities in small creeks and
 31 estuaries; and
- 32 (4) Maryland Stormwater Pollution Control Program.
 33 Provide not more than \$838,000 in grants for
 34 nonpoint source stormwater pollution control.

- 35 (B) Water Supply Financial Assistance Program. Provide funds
 36 for assistance to State and local government entities to
 37 acquire, design, construct, rehabilitate, equip, and improve
 38 water supply facilities. The funds shall be administered in

1	accordance with Sections 9-420 through 9-426 of the	
2	Environment Article and in accordance with the Code of	
3	Maryland Regulations (COMAR) 26.03.09.....	3,000,000

4	UB00	MARYLAND ENVIRONMENTAL SERVICE
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5	(A)	Infrastructure Improvement Fund. Provide funds to design,	
6		construct, and equip capital improvements for State	
7		institutions. Expenditures for any of the following projects	
8		may not exceed the amount listed below by more than 7.5%	
9		without notification to the General Assembly. Funds may be	
10		spent only on the projects listed below or on previously	
11		authorized projects. Expenditure of any part of this	
12		appropriation for a previously authorized project shall also	
13		require notification to the General Assembly	11,874,000

14		(1) Green Ridge Youth Center. Design and construct a	
15		new wastewater treatment plant at the Green Ridge	
16		Youth Center (Allegany County).....	1,056,000

17		(2) Jessup Correctional Complex. Design improvements	
18		to the Dorsey Wastewater Treatment Plant (Anne	
19		Arundel County).....	248,000

20		(3) Eastern Correctional Institution. Design and	
21		construct improvements to the water treatment plant	
22		(Somerset County)	3,609,000

23		(4) Eastern Correctional Institution. Design and	
24		construct improvements to the wastewater treatment	
25		plant (Somerset County).....	6,961,000

26	DEPARTMENT OF JUVENILE SERVICES
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27	VE01	CHELTENHAM YOUTH FACILITY
28		(Prince George's County)

29	(A)	New Treatment Center. Provide funds to design a new	
30		treatment center.....	4,074,000

31	(B)	New Youth Detention Center. Provide funds for preliminary	
32		design of a new detention center	1,661,000

33	WA01	DEPARTMENT OF STATE POLICE
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34	(A)	New Hagerstown Barrack and Garage. Provide funds to	
35		construct and equip a new Hagerstown Barrack and Garage	
36		(Washington County)	14,820,000

1	(B)	Tactical Services Facility – Garage. Provide funds to	
2		construct and equip a garage and storage building at the	
3		Maryland State Police Waterloo Barrack Complex in Jessup	
4		(Howard County)	2,498,000
5	ZA00	MISCELLANEOUS GRANT PROGRAMS	
6	(A)	Charles E. Smith Life Communities – Emergency Generators.	
7		Provide a grant to the Board of Directors of the Maryland	
8		Jewish Alliance for the purchase and installation of	
9		emergency generators at the Charles E. Smith Life	
10		Communities in Rockville (Montgomery County).....	760,000
11	(B)	East Baltimore Biotechnology Park. Provide a grant to the	
12		Mayor and City Council of the City of Baltimore for property	
13		acquisition, demolition, and site improvements in the East	
14		Baltimore Biotechnology Park area, subject to the	
15		requirement that the grantee provide an equal and matching	
16		fund for this purpose (Baltimore City)	5,000,000
17	(C)	Homeless Shelter and Resource Center. Provide a grant to	
18		the Mayor and City Council of the City of Baltimore for the	
19		design, construction, and capital equipping of a new homeless	
20		shelter and resource center (Baltimore City).....	2,000,000
21	(D)	Irvine Nature Center. Provide a grant to the Board of	
22		Trustees of the Irvine Nature Center for the planning, design,	
23		construction, and capital equipping of the new administration,	
24		classroom, and laboratory building for the Irvine Nature	
25		Center, located in Owings Mills (Baltimore County).....	400,000
26	(E)	Jewish Council for the Aging – New Facility. Provide a grant	
27		to the Board of Directors of the Maryland Jewish Alliance for	
28		the purchase, design, construction, renovation, and equipping	
29		of a building to house the offices and programs of the Jewish	
30		Council for the Aging (Montgomery County)	1,000,000
31	(F)	Johns Hopkins Medicine – Cardiovascular and Critical Care	
32		Tower. Provide a grant to the Board of Trustees of the Johns	
33		Hopkins Health System to prepare detailed plans and	
34		construct and equip the Cardiovascular and Critical Care	
35		Tower on the Johns Hopkins East Baltimore Campus, subject	
36		to the requirement that the grantee provide an equal and	
37		matching fund. Notwithstanding the provisions of Section 1(5)	
38		of this Act, the matching fund may consist of funds expended	
39		prior to the effective date of this Act (Baltimore City)	5,000,000

- 1 (G) Johns Hopkins Medicine – Pediatric Trauma Center. Provide
 2 a grant to the Board of Trustees of the Johns Hopkins Health
 3 System to prepare detailed plans and construct the Pediatric
 4 Trauma Center at the Children’s and Maternal Health Center
 5 on the Johns Hopkins East Baltimore Campus, subject to the
 6 requirement that the grantee provide an equal and matching
 7 fund. Notwithstanding the provisions of Section 1(5) of this
 8 Act, the matching fund may consist of funds expended prior to
 9 the effective date of this Act (Baltimore City)..... 10,000,000
- 10 (H) Kennedy Krieger Institute – Clinical Research Building and
 11 Inpatient Clinical Center. Provide a grant to the Board of
 12 Directors of the Kennedy Krieger Institute, Inc. to assist in
 13 the design, construction, and equipping of a new Clinical
 14 Research Building and for the design, construction,
 15 renovation, and equipping of the Inpatient Clinical Center in
 16 Baltimore City, subject to the requirement that the grantee
 17 provide an equal and matching fund for this purpose.
 18 Notwithstanding the provisions of Section 1(5) of this Act, the
 19 matching fund may consist of funds expended prior to the
 20 effective date of this Act (Baltimore City)..... 1,000,000
- 21 (I) Live Entertainment Venue. Provide a grant to the County
 22 Executive and County Council of Montgomery County to
 23 assist in the design, construction, and capital equipping of a
 24 facility for a Live Entertainment Venue in Silver Spring,
 25 subject to the requirement that the grantee provide an equal
 26 and matching fund for this purpose (Montgomery County)..... 2,000,000
- 27 (J) Maryland Independent College and University Association –
 28 Johns Hopkins University – Renovation of Gilman Hall.
 29 Provide a grant equal to the lesser of (i) \$1,000,000 or (ii) the
 30 amount of the matching fund provided, to the Board of
 31 Trustees of the Johns Hopkins University to assist in the
 32 renovation of Gilman Hall on the Johns Hopkins Homewood
 33 Campus, subject to the requirement that the grantee provide
 34 an equal and matching fund for this purpose.
 35 Notwithstanding the provisions of Section 1(5) of this Act, the
 36 matching fund may consist of funds expended prior to the
 37 effective date of this Act (Baltimore City)..... 1,000,000
- 38 (K) Maryland Independent College and University Association –
 39 Loyola College in Maryland – Donnelly Science Center.
 40 Provide a grant equal to the lesser of (i) \$3,000,000 or (ii) the
 41 amount of the matching fund provided, to the Board of
 42 Trustees of the Loyola College in Maryland to assist in the
 43 design and construction of the addition to and renovation of
 44 Donnelly Science Center, subject to the requirement that the

1	grantee provide an equal and matching fund for this purpose.	
2	Notwithstanding the provisions of Section 1(5) of this Act, the	
3	matching fund may consist of funds expended prior to the	
4	effective date of this Act (Baltimore City).....	3,000,000
5	(L) Maryland Independent College and University Association –	
6	Mount St. Mary’s University – Performing Arts Academic	
7	Center. Provide a grant equal to the lesser of (i) \$1,000,000 or	
8	(ii) the amount of the matching fund provided, to the Board of	
9	Trustees of Mount St. Mary’s University to assist in the	
10	design and construction of an addition to Flynn Hall, subject	
11	to the requirement that the grantee provide an equal and	
12	matching fund for this purpose. Notwithstanding the	
13	provisions of Section 1(5) of this Act, the matching fund may	
14	consist of funds expended prior to the effective date of this Act	
15	(Frederick County)	1,000,000
16	(M) Maryland Independent College and University Association –	
17	Sojourner–Douglass College – Science and Allied Health	
18	Facility. Provide a grant equal to the lesser of (i) \$3,000,000	
19	or (ii) the amount of the matching fund provided, to the Board	
20	of Trustees of Sojourner–Douglass College to assist in the	
21	design and construction of the expansion and renovation of a	
22	newly acquired building located at 249 N. Aisquith Street in	
23	Baltimore, subject to the requirement that the grantee	
24	provide an equal and matching fund for this purpose.	
25	Notwithstanding the provisions of Section 1(5) of this Act, the	
26	matching fund may consist of funds expended prior to the	
27	effective date of this Act (Baltimore City).....	3,000,000
28	(N) Maryland Zoo in Baltimore – Facilities Renewal. Provide a	
29	grant to the Board of Directors of the Maryland Zoological	
30	Society, Inc. for the replacement of the smoke detection and	
31	fire suppression system, a HVAC/life support monitoring	
32	system, an intrusion alarm system, and a panic alarm system	
33	(Baltimore City).....	1,000,000
34	(O) Maryland Zoo in Baltimore – Infrastructure Improvements.	
35	Provide a grant to the Board of Directors of the Maryland	
36	Zoological Society, Inc. for the design, construction, and	
37	equipping of various infrastructure improvement projects	
38	(Baltimore City).....	2,000,000
39	(P) Park Heights Revitalization Project. Provide a grant to the	
40	Mayor and City Council of the City of Baltimore for the	
41	acquisition of the Park Lane Shopping Center or other	
42	property in the Park Heights Revitalization area (Baltimore	
43	City).	3,000,000

1	(Q)	Southern Maryland Stadium. Provide a grant to the Board of	
2		County Commissioners of Charles County for the construction	
3		of a multipurpose stadium facility, located in Waldorf, subject	
4		to the requirement that the grantee provide a matching fund	
5		for this purpose. Notwithstanding Section 1(5) of this Act, the	
6		matching fund may include funds expended prior to the	
7		effective date of this Act (Charles County)	1,333,000
8	(R)	WestSide Revitalization Project. Provide a grant to the	
9		Mayor and City Council of the City of Baltimore for property	
10		acquisition, demolition, and site improvements in the	
11		WestSide Revitalization Project area, subject to the	
12		requirement that the grantee provide an equal and matching	
13		fund for this purpose (Baltimore City)	5,000,000
14	ZB02	LOCAL JAILS AND DETENTION CENTERS	
15	(A)	Cecil County Detention Center. Provide a grant to the County	
16		Commissioners of Cecil County to assist in the design of	
17		additions and alterations to the Cecil County Detention	
18		Center, subject to the requirement that the grantee provide	
19		an equal and matching fund for this purpose.	
20		Notwithstanding Section 1(5) of this Act, the matching fund	
21		may include funds expended prior to the effective date of this	
22		Act	788,000
23	(B)	Frederick County Detention Center. Provide a grant to the	
24		County Commissioners of Frederick County to assist in the	
25		Phase IV expansion and renovation of the Frederick County	
26		Detention Center, subject to the requirement that the grantee	
27		provide an equal and matching fund for this purpose.	
28		Notwithstanding Section 1(5) of this Act, the matching fund	
29		may include funds expended prior to the effective date of this	
30		Act	7,401,000
31	(C)	Harford County Detention Center. Provide a grant to the	
32		County Executive and County Council of Harford County to	
33		assist in the expansion and renovation of the Harford County	
34		Detention Center, subject to the requirement that the grantee	
35		provide an equal and matching fund for this purpose.	
36		Notwithstanding Section 1(5) of this Act, the matching fund	
37		may include funds expended prior to the effective date of this	
38		Act	6,336,000
39	(D)	St. Mary's County Detention Center. Provide a grant to the	
40		Board of Commissioners of St. Mary's County to assist in the	
41		design of the Phase I addition to the St. Mary's County	

1 Detention Center, subject to the requirement that the grantee
 2 provide an equal and matching fund for this purpose.
 3 Notwithstanding Section 1(5) of this Act, the matching fund
 4 may include funds expended prior to the effective date of this
 5 Act..... 698,000

6 (E) Worcester County Detention Center. Provide a grant to the
 7 County Commissioners of Worcester County to assist in the
 8 renovation and expansion of the Worcester County Jail,
 9 subject to the requirement that the grantee provide an equal
 10 and matching fund for this purpose. Notwithstanding Section
 11 1(5) of this Act, the matching fund may include funds
 12 expended prior to the effective date of this Act..... 4,606,000

13 (4) An annual tax is imposed on all assessable property in the State in rate
 14 and amount sufficient to pay the principal of and interest on the bonds, as and when
 15 due and until paid in full. The principal shall be discharged within 15 years after the
 16 date of issue of the bonds.

17 (5) (a) Prior to the payment of any matching grant funds under the
 18 provisions of Section 1(3), Items ZA00 through ZB02 above, grantees shall provide and
 19 expend matching funds as specified. No part of a grantee’s matching fund may be
 20 provided, either directly or indirectly, from funds of the State, whether appropriated or
 21 unappropriated. Except as otherwise provided, no part of the fund may consist of real
 22 property, in-kind contributions, or funds expended prior to the effective date of this
 23 Act. In case of any dispute as to what money or assets may qualify as matching funds,
 24 the Board of Public Works shall determine the matter, and the Board’s decision is final.
 25 Grantees have until June 1, 2010, to present evidence satisfactory to the Board of
 26 Public Works that the matching fund will be provided. If satisfactory evidence is
 27 presented, the Board shall certify this fact to the State Treasurer and the proceeds of
 28 the loan shall be expended for the purposes provided in this Act. If this evidence is not
 29 presented by June 1, 2010, the proceeds of the loan shall be applied to the purposes
 30 authorized in Section 8–129 of the State Finance and Procurement Article.

31 (b) It is further provided that when an equal and matching fund is
 32 specified in Section 1(3), Items ZA00 through ZB02 above, grantees shall provide a
 33 matching fund equal to the lesser of (i) the authorized amount of the State grant or (ii)
 34 the amount of the matching fund certified by the Board of Public Works. If satisfactory
 35 evidence is presented, the Board shall certify this fact and the amount of the matching
 36 fund to the State Treasurer and the proceeds of the loan equal to the amount of the
 37 matching fund shall be expended for the purposes provided in this Act. If this evidence
 38 is not presented by June 1, 2010, the proceeds of the loan shall be applied to the
 39 purposes authorized in Section 8–129 of the State Finance and Procurement Article.
 40 The proceeds of any amount of the loan in excess of the matching fund certified by the
 41 Board of Public Works shall also be applied to the purposes authorized in Section
 42 8–129 of the State Finance and Procurement Article.

43 (6) When a historical easement is specified in Section 1(3) of this Act:

1 (a) Prior to the issuance of the bonds, the grantee shall grant and
2 convey to the Maryland Historical Trust a perpetual preservation easement to the
3 extent of its interest:

4 (i) On the land or such portion of the land acceptable to the
5 Trust; and

6 (ii) On the exterior and interior, where appropriate, of the
7 historic structures.

8 (b) If the grantee or beneficiary of the grant holds a lease on the land
9 and structures, the Trust may accept an easement on the leasehold interest.

10 (c) The easement must be in form and substance acceptable to the
11 Trust, and the extent of the interest to be encumbered must be acceptable to the Trust,
12 and any liens or encumbrances against the land or the structures must be acceptable
13 to the Trust.

14 (7) The proceeds of the loan must be expended or encumbered by the Board
15 of Public Works for the purposes provided in this Act no later than June 1, 2015. If any
16 funds authorized by this Act remain unexpended or unencumbered after June 1, 2015,
17 the amount of the unexpended or unencumbered authorization shall be canceled and
18 be of no further force and effect. If bonds have been issued for the loan, the amount of
19 unexpended or unencumbered bond proceeds shall be disposed of as provided in
20 Section 8-129 of the State Finance and Procurement Article.

21 (8) Multiple grants provided to the same organization in this Section are in
22 addition to one another. Unless otherwise provided, any matching fund requirements
23 apply to each individual grant.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
25 read as follows:

26 **Chapter 212 of the Acts of 1999, as amended by Chapter 46 of the Acts of 2006**

27 Section 1(3)

28 RP00 MARYLAND PUBLIC BROADCASTING COMMISSION

29 (A) Provide a portion of the funds to replace the television tower
30 and purchase and install advanced television equipment for the
31 transmitter for WMPT in Annapolis. Notwithstanding Section
32 1(5) of this Act, this authorization shall not terminate prior to
33 [June 1, 2008] **JUNE 1, 2010** (Anne Arundel County)..... 2,479,000

34 **Chapter 508 of the Acts of 2000, as amended by Chapter 204 of the Acts of**
35 **2003, Chapter 46 of the Acts of 2006, and Chapter 488 of the Acts of 2007**

1 Section 1(3)

2 RP00 MARYLAND PUBLIC BROADCASTING COMMISSION

3 (A) Provide a portion of the funds to replace the television tower
 4 and to purchase and install advanced television equipment for
 5 the transmitter for WMPB in Owings Mills and provide a
 6 portion of the funds to purchase and install a statewide digital
 7 interconnection network system. Notwithstanding Section
 8 1(5) of this Act, this authorization shall not terminate prior to
 9 [June 1, 2008] **JUNE 1, 2010** (Statewide)..... 3,489,000

10 **Chapter 290 of the Acts of 2002, as amended by Chapter 204 of the Acts of**
 11 **2003**

12 Section 1(3)

13 RD00 ST. MARY'S COLLEGE OF MARYLAND

14 (A) New Academic Building. Provide funds to prepare detailed
 15 design for the new Academic Building and the extension of
 16 utilities to other campus facilities (St. Mary's County)..... [1,543,000]
 17 **1,443,000**

18 **Chapter 290 of the Acts of 2002, as amended by Chapter 432 of the Acts of**
 19 **2004, Chapter 445 of the Acts of 2005, and Chapter 46 of the Acts of 2006**

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 21 MARYLAND, That:

22 (1) The Board of Public Works may borrow money and incur indebtedness on
 23 behalf of the State of Maryland through a State loan to be known as the Maryland
 24 Consolidated Capital Bond Loan of 2002 in the total principal amount of
 25 [\$729,063,000] **\$728,963,000**. This loan shall be evidenced by the issuance, sale, and
 26 delivery of State general obligation bonds authorized by a resolution of the Board of
 27 Public Works and issued, sold, and delivered in accordance with Sections 8–117
 28 through 8–124 of the State Finance and Procurement Article and Article 31, Section
 29 22 of the Code.

30 **Chapter 204 of the Acts of 2003**

31 Section 1(3)

32 RD00 ST. MARY'S COLLEGE OF MARYLAND
 33 (St. Mary's County)

1 (C) New Academic Building/Telecommunications Infrastructure.
 2 Provide funds to construct and equip a new duct bank to serve
 3 the north campus of the College [2,500,000]
 4 **2,299,000**

5 WA01 DEPARTMENT OF STATE POLICE

6 (B) Easton Barrack and Garage/Communications Building.
 7 Provide funds to construct a new Easton Barrack and
 8 Garage/Communications Building (Talbot County) [5,300,000]
 9 **5,091,000**

10 **Chapter 204 of the Acts of 2003, as amended by Chapter 432 of the Acts of**
 11 **2004 and Chapter 46 of the Acts of 2006**

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 13 MARYLAND, That:

14 (1) The Board of Public Works may borrow money and incur indebtedness on
 15 behalf of the State of Maryland through a State loan to be known as the Maryland
 16 Consolidated Capital Bond Loan of 2003 in the total principal amount of
 17 [\$735,670,875] **\$735,260,875**. This loan shall be evidenced by the issuance, sale, and
 18 delivery of State general obligation bonds authorized by a resolution of the Board of
 19 Public Works and issued, sold, and delivered in accordance with Sections 8–117
 20 through 8–124 of the State Finance and Procurement Article and Article 31, Section
 21 22 of the Code.

22 **Chapter 432 of the Acts of 2004**

23 Section 1(3)

24 DE02.01 BOARD OF PUBLIC WORKS

25 GENERAL STATE FACILITIES

26 (J) CFC Mitigation Fund. Provide funds to replace or modify
 27 chillers containing chlorofluorocarbon (CFC) refrigerant
 28 (Statewide)..... [350,000]
 29 **124,000**

30 RB27 COPPIN STATE COLLEGE
 31 (Baltimore City)

32 (E) Connor Administration Building – Exterior Upgrade. Provide
 33 supplemental construction funds to correct defects on the
 34 exterior of the Connor Administration Building..... [1,829,000]
 35 **1,692,000**

1 Chapter 432 of the Acts of 2004, as amended by Chapter 445 of the Acts of
2 2005, Chapter 46 of the Acts of 2006, and Chapter 488 of the Acts of 2007

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That:

5 (1) The Board of Public Works may borrow money and incur indebtedness on
6 behalf of the State of Maryland through a State loan to be known as the Maryland
7 Consolidated Capital Bond Loan of 2004 in the total principal amount of
8 [\$617,864,592] **\$617,501,592**. This loan shall be evidenced by the issuance, sale, and
9 delivery of State general obligation bonds authorized by a resolution of the Board of
10 Public Works and issued, sold, and delivered in accordance with Sections 8–117
11 through 8–124 of the State Finance and Procurement Article and Article 31, Section
12 22 of the Code.

13 Chapter 445 of the Acts of 2005

14 Section 1(3)

15 ZA00 MISCELLANEOUS GRANT PROGRAMS

16 (AE) Sheppard Pratt Hospital. Provide a grant to the Board of
17 Trustees of the Sheppard Pratt Health System, Inc. to assist
18 in the design, construction, and capital equipping of a new
19 psychiatric hospital to replace current hospital buildings on
20 its Towson campus, subject to the requirement that the
21 grantee provide an equal and matching fund for this purpose,
22 AND subject to a requirement that the grantee grant and
23 convey an historic easement to the Maryland Historical Trust,
24 **NOTWITHSTANDING SECTION 1(6) OF THIS ACT, THE**
25 **HISTORIC EASEMENT MAY BE CONVEYED TO THE**
26 **MARYLAND HISTORICAL TRUST DISREGARDING THE**
27 **EFFECT OF ANY EXISTING LIEN OR ENCUMBRANCE TO**
28 **THE BENEFIT OF ANY UNIT OR INSTRUMENTALITY OF THE**
29 **STATE THAT MAY NOT BE SUBORDINATED** (Baltimore
30 County) 2,000,000

31 Chapter 46 of the Acts of 2006

32 Section 1(3)

33 DE02.01 BOARD OF PUBLIC WORKS

34 STATE GOVERNMENT CENTER – ANNAPOLIS
35 (Anne Arundel County)

1 (E) Legislative Facilities. Provide funds to [design, construct,
 2 and renovate the Old House Chamber in the State House]
 3 **SUPPLEMENT PREVIOUS APPROPRIATIONS TO COMPLETE**
 4 **THE CONSTRUCTION OF THE REPLACEMENT OF INTERIOR**
 5 **PIPING IN THE STATE HOUSE** 1,000,000

6 UB00 MARYLAND ENVIRONMENTAL SERVICE

7 (A)

8 (4) Elk Neck State Park. Design **AND CONSTRUCT**
 9 wastewater plant improvements, provided that it is
 10 the intent of the General Assembly that wastewater
 11 treatment system upgrade, operation, and
 12 maintenance costs at Elk Neck State Park shall be
 13 shared between the State and North Bay, LLC. The
 14 cost share ratio shall be based on the most current
 15 estimated annual usage of the two entities (Cecil
 16 County) 352,000

17 ZA00 MISCELLANEOUS GRANT PROGRAMS

18 (N) Sheppard Pratt Hospital. Provide a grant to the Board of
 19 Trustees of the Sheppard Pratt Health System, Inc. to assist
 20 in the design, construction, and capital equipping of a new
 21 psychiatric hospital, and the renovation of the existing
 22 hospital building on its Towson campus, subject to the
 23 requirement that the grantee provide an equal and matching
 24 fund for this purpose, and subject to a requirement that the
 25 grantee grant and convey an historic easement to the
 26 Maryland Historical Trust, **NOTWITHSTANDING SECTION**
 27 **1(6) OF THIS ACT, THE HISTORIC EASEMENT MAY BE**
 28 **CONVEYED TO THE MARYLAND HISTORICAL TRUST**
 29 **DISREGARDING THE EFFECT OF ANY EXISTING LIEN OR**
 30 **ENCUMBRANCE TO THE BENEFIT OF ANY UNIT OR**
 31 **INSTRUMENTALITY OF THE STATE THAT MAY NOT BE**
 32 **SUBORDINATED.** Notwithstanding Section 1(5) of this Act,
 33 the matching fund may include funds expended prior to the
 34 effective date of this Act (Baltimore County)..... 1,000,000

35 **Chapter 488 of the Acts of 2007**

36 Section 1(3)

37 WA01 DEPARTMENT OF STATE POLICE

1 (A) Tactical Services Building. Provide funds to design **AND**
 2 **CONSTRUCT** a garage and storage building at the Maryland
 3 State Police Waterloo Barrack Complex in Jessup (Howard
 4 County) 275,000

5 **Chapter 488 of the Acts of 2007**

6 SECTION 12. AND BE IT FURTHER ENACTED, That:

7 (1) The Board of Public Works may borrow money and incur indebtedness on
 8 behalf of the State of Maryland through a State loan to be known as the Coppin State
 9 University New Physical Education Complex Loan of 2008 in the total principal
 10 amount of \$30,000,000, on behalf of the State of Maryland through a State loan to be
 11 known as the Department of Public Safety and Correctional Services Maryland
 12 Correctional Training Center 192–Cell Medium Security Housing Unit and Support
 13 Space Loan of 2008 in the total principal amount of \$7,637,000, on behalf of the State
 14 of Maryland through a State loan to be known as the Department of Health and
 15 Mental Hygiene Laboratories Administration New Public Health Laboratory Loan of
 16 2008 in the total principal amount of ~~[\$7,800,000]~~ **\$0**, and on behalf of the State of
 17 Maryland through a State loan to be known as the Department of Health and Mental
 18 Hygiene Clifton T. Perkins Hospital Center New Maximum Security Wing Loan of
 19 2008 in the total principal amount of ~~[\$5,000,000]~~ **\$3,137,000**. These loans shall be
 20 evidenced by the issuance, sale, and delivery of State general obligation bonds
 21 authorized by a resolution of the Board of Public Works and issued, sold, and delivered
 22 in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement
 23 Article and Article 31, § 22 of the Code.

24 Section 12(3)

25 MJ02 LABORATORIES ADMINISTRATION

26 (A) New Public Health Laboratory. Provide funds to prepare
 27 preliminary plans to construct a new public health laboratory
 28 (Howard County) [7,800,000]
 29 **-0-**

30 Section 12(3)

31 ML10 CLIFTON T. PERKINS HOSPITAL CENTER
32 (Howard County)

33 (A) New Maximum Security Wing. Provide funds to **DESIGN**,
 34 **construct, AND EQUIP** a new Maximum Security Wing
 35 including the replacement of an existing chiller and security
 36 system [5,000,000]
 37 **3,137,000**

1 SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly
2 declares that it is the public policy of this State to manage State general obligation
3 bond debt in a manner that will maintain Maryland's AAA bond rating. The General
4 Assembly further declares that legislative oversight, control, and review of all forms of
5 State obligations are essential to maintenance of the State's existing bond rating and
6 protection of the fiscal integrity of the State.

7 SECTION 4. AND BE IT FURTHER ENACTED, That, before work may
8 commence pursuant to any supplement to any appropriation contained in this Act,
9 satisfactory evidence must be given to the Board of Public Works that the project can
10 be completed with the aggregate of the funds in this Act and previously appropriated
11 for the stated purpose.

12 SECTION 5. AND BE IT FURTHER ENACTED, That, with the approval of the
13 Department of Budget and Management, any appropriation for construction provided
14 in this Act may be used to purchase capital equipment if the amount of the
15 appropriation exceeds the amount required for construction expenses, including
16 allowances for contingencies.

17 SECTION 6. AND BE IT FURTHER ENACTED, That, except as otherwise
18 provided in this Act, before a State agency or institution named in this Act as
19 responsible for an individual item may begin work with funds appropriated by this
20 Act, the agency or institution shall provide satisfactory evidence to the Board of Public
21 Works that the work described in the individual item can be completed with the funds
22 specified for that item.

23 SECTION 7. AND BE IT FURTHER ENACTED, That, with the approval of the
24 Department of Budget and Management, any appropriation under the provisions of
25 this Act that is in excess of the amount needed for a project may be credited to the
26 Construction Contingency Fund under Section 3-609 of the State Finance and
27 Procurement Article.

28 SECTION 8. AND BE IT FURTHER ENACTED, That, if federal funds are
29 available to help accomplish any project identified in this Act, the State agency or
30 institution responsible for the project shall make efforts through proper
31 administrative procedures to obtain these federal funds. Before spending any funds
32 appropriated by this Act, the agency or institution shall certify its efforts to the Board
33 of Public Works and state the reason for any failure to obtain federal funds. If federal
34 funds are obtained, they shall be used to defray the costs of the project described in
35 this Act and not to expand its scope.

36 SECTION 9. AND BE IT FURTHER ENACTED, That:

37 (a) for any appropriation for the planning of a State-owned project provided
38 in this Act, if a program required by Section 3-602(d) of the State Finance and
39 Procurement Article has not been submitted, the State agency or institution
40 responsible for the project shall submit a program to the Department of Budget and
41 Management for approval before funds may be expended from the appropriation; and

1 (b) for any appropriation for the construction of a State-owned project
 2 provided in this Act, if preliminary plans and outline specifications required by Section
 3 3-602(f)(2)(i) of the State Finance and Procurement Article have not been prepared,
 4 the State agency or institution responsible for the project shall submit preliminary
 5 plans and outline specifications to the Department of Budget and Management for
 6 approval before funds may be expended from the appropriation.

7 SECTION 10. AND BE IT FURTHER ENACTED, That no portion of the
 8 proceeds of a loan or any of the matching funds provided for a project funded under
 9 this Act may be used for the furtherance of sectarian religious instruction, or in
 10 connection with the design, acquisition, construction, or equipping of any building
 11 used or to be used as a place of sectarian religious worship or instruction, or in
 12 connection with any program or department of divinity for any religious denomination.
 13 Upon the request of the Board of Public Works, a recipient of the proceeds of a loan
 14 under this Act shall submit evidence satisfactory to the Board that none of the
 15 proceeds of the loan or any matching funds has been or is being used for a purpose
 16 prohibited by this Act.

17 SECTION 11. AND BE IT FURTHER ENACTED, That, the Comptroller may
 18 advance funds to any loan funds account established pursuant to a general obligation
 19 bond loan enabling Act, for any expenditure authorized by that Act, provided that if
 20 general obligation bonds have not been issued under the authority of that Act, the next
 21 ensuing sale of general obligation bonds shall include the issuance of bonds under the
 22 authority of that Act in an amount at least equivalent to the amount of the funds so
 23 advanced.

24 SECTION 12. AND BE IT FURTHER ENACTED, That:

25 (1) Notwithstanding § 8-125(e) of the State Finance and Procurement
 26 Article, up to \$25,000,000 in premiums exceeding \$4,000,000 from the sale of State
 27 bonds in 2008 shall remain in the State and Local Facilities Loan Fund and, on
 28 approval by the Board of Public Works, may be expended only by the Comptroller to
 29 provide grants for public school construction projects approved by the Interagency
 30 Committee on School Construction.

31 (2) The Comptroller shall make any transfers or accounting adjustments and
 32 reconciliations necessary to implement the provisions of this Section.

33 SECTION 13. AND BE IT FURTHER ENACTED, That the net new debt to be
 34 authorized by legislation in fiscal year 2009 may not exceed \$935,000,000, as
 35 evidenced by the following:

36	FY 2009 debt to be authorized by this Act	872,099,000
37	FY 2009 debt authorized by separate legislation for the New	
38	Physical Education Complex at Coppin State University	30,000,000

1	FY 2009 debt authorized by separate legislation for the	
2	192-Cell Medium Security Housing Unit and Support Space	
3	at the Maryland Correctional Training Center	7,637,000
4	FY 2009 debt authorized by separate legislation, as amended	
5	in this Act, for the New Maximum Security Wing at the	
6	Clifton T. Perkins Hospital Center.....	3,137,000
7	FY 2009 debt authorized by separate legislation for private	
8	hospitals.....	5,000,000
9	FY 2009 debt authorized by separate legislation for the	
10	Tobacco Transition Program.....	3,000,000
11	FY 2009 debt authorized by separate legislation for projects of	
12	political subdivisions and nonprofit organizations	15,000,000
13	Subtotal	935,873,000
14	Reductions in Previously Authorized State Debt Made in This	
15	Bill.....	(873,000)
16	Net new debt to be authorized in FY 2009.....	935,000,000

17 SECTION 14. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect June 1, 2008.